



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

HF2009	3
HF2010	5
HF2011	21
HF2012	24
HF2013	26
HF2014	28
HF2015	32
HF2016	35
HR101	41
HSB501	44
HSB502	50
HSB503	53
HSB504	55
HSB505	58
HSB506	60
HSB507	63
HSB508	68
HSB509	75
HSB510	77
HSB511	79
HSB512	84
HSB513	87
HSB514	89
SF2018	99
SF2019	102
SF2020	110
SF2021	113
SF2022	116
SF2023	120
SF2024	126
SF2025	131
SR101	133
SSB3013	136
SSB3014	139
SSB3015	145
SSB3016	155



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

SSB3017	158
SSB3018	163



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House File 2009 - Introduced

HOUSE FILE 2009
BY HEDDENS

A BILL FOR

1 An Act relating to the office of substitute decision maker and
2 providing an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5230HH (3) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2009

1 Section 1. DEPARTMENT ON AGING — OFFICE OF SUBSTITUTE
2 DECISION MAKER — APPROPRIATION.

3 There is appropriated from the general fund of the state to
4 the department on aging for the fiscal year beginning July 1,
5 2014, and ending June 30, 2015, the following amount or so much
6 thereof as is necessary for the purposes designated:

7 For administration of the office of substitute decision
8 maker established pursuant to chapter 231E, on a statewide
9 basis:

10 \$ 2,210,646

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill appropriates funds to the department on aging
15 for FY 2014-2015 for administration of the office of
16 substitute decision maker on a statewide basis. The office
17 was established in 2005, was partially funded in 2007, and was
18 discontinued due to budget reductions in 2009. The office of
19 substitute decision maker provides a public substitute decision
20 maker (guardian, conservator, attorney-in-fact under a power
21 of attorney, or a representative payee) to assist those with
22 limited or no decision-making capabilities to make personal
23 care and financial decisions. The public substitute decision
24 maker is a decision maker of last resort and acts only when
25 there is no willing and responsible person available to serve
26 as a private substitute decision maker or the adult is without
27 adequate resources to compensate a private decision maker.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House File 2010 - Introduced

HOUSE FILE 2010
BY S. OLSON

A BILL FOR

1 An Act relating to the operations of certain common interest
2 communities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5095YH (3) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 Section 1. NEW SECTION. **499A.201 Applicability.**

2 This chapter shall apply to cooperatives established under
3 this chapter unless otherwise provided in chapter 499C.

4 Sec. 2. NEW SECTION. **499B.1A Applicability.**

5 This chapter shall apply to horizontal property regimes
6 established under this chapter unless otherwise provided in
7 chapter 499C.

8 Sec. 3. Section 499B.15, subsection 2, Code 2014, is amended
9 by striking the subsection.

10 Sec. 4. NEW SECTION. **499B.21 Board of administration —**
11 **meetings and records.**

12 1. For horizontal property regimes with eight or more
13 apartments, if the form of administration is a board of
14 administration, the board of administration shall comply with
15 the requirements of chapter 499C.

16 2. For horizontal property regimes with seven or less
17 apartments, if the form of administration is a board of
18 administration, the board of administration shall comply
19 with the requirements of section 499C.401, subsection 2, and
20 sections 499C.402 and 499C.403.

21 Sec. 5. NEW SECTION. **499C.101 Title.**

22 This chapter shall be known and cited as the "*Iowa Common*
23 *Interest Ownership Act*".

24 Sec. 6. NEW SECTION. **499C.102 Public policy.**

25 The general assembly declares that it is the public policy of
26 the state that the management and affairs of common interest
27 communities be conducted openly, and this chapter shall be
28 construed to provide open access to the management of the
29 common interest community for the unit owners.

30 Sec. 7. NEW SECTION. **499C.103 Definitions.**

31 As used in this chapter, unless the context otherwise
32 requires:

33 1. "*Bylaws*" means the instruments, however denominated,
34 that contain the procedures for conducting the affairs of the
35 unit owners association or the executive board regardless of

LSB 5095YH (3) 85

-1-

md/sc

1/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 the form in which the association is organized, including any
2 amendments to such instruments.

3 2. *"Common element"* means:

4 a. For a cooperative under chapter 499A or a horizontal
5 property regime under chapter 499B, all portions of the common
6 interest community other than the units.

7 b. For a planned community, any real estate within the
8 planned community which is owned or leased by the unit owners
9 association, other than a unit.

10 c. For all common interest communities, any other interests
11 in real estate identified in the declaration for the benefit
12 of unit owners.

13 3. a. *"Common interest community"* means real estate
14 described in a declaration with respect to which a person,
15 by virtue of the person's ownership of a unit, is obligated
16 to pay for a share of real estate taxes, insurance premiums,
17 maintenance, or improvement of, or services or other expenses
18 related to, common elements, other units, or other real estate
19 described in the declaration. *"Common interest community"*
20 includes a cooperative under chapter 499A and a horizontal
21 property regime under chapter 499B.

22 b. Common interest community does not include:

23 (1) A covenant that requires the owners of separate parcels
24 of real estate to share costs or other obligations related to a
25 wall, driveway, well, or other similar structure, unless all
26 such owners consent in writing to the creation of a common
27 interest community.

28 (2) Real estate described in paragraph "a" if all units are
29 owned by a single owner.

30 4. *"Declarant"* means a person or group of persons who,
31 as the record title owner of real estate, by a declaration,
32 creates a common interest community.

33 5. *"Declaration"* means the instrument, however denominated,
34 that creates a common interest community, including any
35 amendments to the instrument.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 6. *"Executive board"* means the body, regardless of name,
2 designated in the declaration or bylaws to act on behalf of the
3 unit owners association.

4 7. *"Planned community"* means a common interest community
5 that is not solely a cooperative under chapter 499A or
6 solely a horizontal property regime under chapter 499B, and
7 includes property owner or homeowner associations. However, a
8 cooperative under chapter 499A or a horizontal property regime
9 under chapter 499B may be part of a planned community.

10 8. *"Rule"* means a policy, guideline, restriction, procedure,
11 or regulation, however denominated, which is not set forth in
12 the declaration or bylaws.

13 9. *"Unit"* means a physical portion of the common interest
14 community designated for separate ownership or occupancy or
15 as otherwise defined in the statute under which the common
16 interest community is organized.

17 10. *"Unit owner"* means a declarant or other person that owns
18 a unit, but does not include a person having an interest in a
19 unit solely as security for an obligation. In a horizontal
20 property regime under chapter 499B or a planned community,
21 the declarant is the owner of a unit. In a cooperative under
22 chapter 499A, the declarant is the owner of a unit to which an
23 interest has been allocated until that unit has been conveyed
24 to another person.

25 11. *"Unit owners association"* means an association,
26 regardless of name, organized as a for-profit or nonprofit
27 corporation, trust, limited liability company, partnership,
28 unincorporated association, or any other form of organization
29 authorized by the laws of this state, the membership of
30 which consists solely of unit owners except following
31 termination of the common interest community, at which time the
32 association shall consist of all former unit owners entitled
33 to distributions of proceeds or their heirs, successors, or
34 assigns.

35 Sec. 8. NEW SECTION. 499C.104 Variation by agreement.

LSB 5095YH (3) 85
md/sc

-3-

3/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 Except as expressly provided in this chapter, the provisions
2 of this chapter may not be varied by agreement, and rights
3 conferred by it may not be waived.

4 Sec. 9. NEW SECTION. **499C.105 Applicability.**

5 Unless otherwise provided by law:

6 1. This chapter applies to common interest communities
7 within this state having eight or more units.

8 2. Any portion of a declaration, bylaws, covenant, or
9 other contractual provision existing prior to July 1, 2014,
10 that violates or is inconsistent with this chapter is not
11 enforceable. However, nothing in this chapter shall be
12 construed to invalidate other provisions of the declaration,
13 bylaws, covenant, or contractual provision of those common
14 interest communities established before July 1, 2014.

15 3. The provisions of this chapter shall prevail over any
16 conflicting provision of law under which a common interest
17 community or unit owners association is organized.

18 Sec. 10. NEW SECTION. **499C.201 Unit owners association —**
19 **executive board.**

20 1. A unit owners association shall have an executive board.

21 2. Except as otherwise provided in the declaration,
22 the bylaws, subsection 3 of this section, or provisions of
23 the statute under which the common interest community is
24 organized, an executive board acts on behalf of the unit owners
25 association.

26 3. An executive board shall not act on behalf of the unit
27 owners association to amend the declaration, to terminate the
28 common interest community, to elect members of the executive
29 board, or determine the qualifications, powers and duties, or
30 terms of office of executive board members. An executive board
31 may fill vacancies in its membership for the unexpired portion
32 of any term.

33 4. A declaration may provide for a period of declarant
34 control of the unit owners association, during which a
35 declarant, or persons designated by the declarant, may appoint



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 and remove the officers and members of the executive board.
2 For declarations filed on or after July 1, 2014, a period of
3 declarant control shall be clearly defined in the declaration.

4 Sec. 11. NEW SECTION. **499C.401 Meetings.**

5 1. Meetings of a unit owners association shall comply with
6 all of the following:

7 a. A unit owners association shall hold a meeting of
8 unit owners annually at a time, date, and place stated in or
9 determined in accordance with the declaration or bylaws.

10 b. A unit owners association shall hold a special meeting
11 of unit owners to address any matter affecting the unit owners
12 association if the association's president, a majority of the
13 executive board, or a number of unit owners comprising at
14 least forty percent of all votes in the association, unless a
15 different percentage is specified in the bylaws, request that
16 the secretary call the meeting. If the unit owners association
17 does not notify unit owners of a special meeting within thirty
18 days after the required number of unit owners has requested the
19 secretary to call a special meeting, the requesting members may
20 directly notify all unit owners of the meeting. Only matters
21 described in the meeting notice may be considered at a special
22 meeting.

23 c. A unit owners association shall notify each unit owner
24 of the time, date, and place of each annual and special unit
25 owners meeting not less than ten days and not more than sixty
26 days before the meeting date. Each meeting notice shall state
27 the time, date, and place of the meeting and the items on the
28 agenda in a manner reasonably calculated to apprise the unit
29 owners of that information, including but not limited to:

30 (1) A statement of the general nature of any proposed
31 amendment to the declaration or bylaws.

32 (2) A statement describing any budget changes.

33 (3) Any proposal to remove an officer or member of the
34 executive board.

35 d. The requirements relating to the timing of meeting



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 notices under paragraph "c" may be reduced or waived for a
2 meeting called to address an emergency. A meeting called to
3 address an emergency shall be limited to matters arising out
4 of the emergency.

5 e. Each unit owner shall be given a reasonable opportunity
6 at any meeting to comment on any matter affecting the common
7 interest community or the unit owners association.

8 f. The declaration or bylaws may allow for meetings of
9 unit owners to be conducted by telephonic, video, or other
10 conferencing method, if such method is consistent with
11 subsection 2, paragraph "g".

12 2. Meetings of the executive board and meetings of
13 committees of the unit owners association authorized to act for
14 the association shall comply with all of the following:

15 a. Meetings shall be open to the unit owners except during
16 executive sessions. The executive board and committees of the
17 unit owners association authorized to act for the association
18 may hold an executive session only during a regular or special
19 meeting of the board or the committee. No final vote or final
20 action may be taken during an executive session. An executive
21 session may only be held for the following reasons:

22 (1) To consult with the unit owners association's attorney
23 concerning legal matters governed by attorney-client privilege.

24 (2) To discuss existing or potential litigation or
25 mediation, arbitration, or governmental administrative
26 proceedings.

27 (3) To discuss matters relating to the job performance,
28 compensation, or health records of an individual employee or
29 specific complaints against an individual employee of the
30 unit owners association or against an independent contractor
31 retained by the unit owners association.

32 (4) To discuss contracts, leases, and other commercial
33 transactions for goods or services that are under negotiation,
34 including the review of bids or proposals, if public disclosure
35 of such matters would place the unit owners association at a

LSB 5095YH (3) 85

-6-

md/sc

6/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 disadvantage.

2 (5) To discuss personal, health, or financial information
3 relating to a unit owner, a specific employee of the unit
4 owners association, or a specific employee of an independent
5 contractor retained by the unit owners association, including
6 any records of the unit owners association relating to such
7 information.

8 *b.* For purposes of this section, a gathering of board
9 members at which the board members do not conduct unit owners
10 association business is not a meeting of the executive board.
11 Executive board members shall not use incidental or social
12 gatherings of board members or any other method to evade the
13 meeting and notice requirements of this section.

14 *c.* During a period of declarant control, the executive board
15 shall meet at least one time each year. At least one of the
16 meetings shall be held at the common interest community or at
17 a place convenient to the unit owners of the common interest
18 community. After termination of the period of declarant
19 control, all executive board meetings shall be held at the
20 common interest community or at a place convenient to the unit
21 owners of the common interest community unless the unit owners
22 amend the bylaws to vary the location of such meetings.

23 *d.* At each executive board meeting, the executive board
24 shall provide a reasonable opportunity for unit owners to
25 comment on any matter affecting the common interest community
26 and the unit owners association.

27 *e.* Unless the meeting is included in a schedule given to the
28 unit owners or the meeting is called to address an emergency,
29 the secretary or other officer specified in the bylaws shall
30 give notice of each executive board meeting to each executive
31 board member and to each unit owner. Such notice shall be
32 given at least ten days before the meeting and shall state the
33 time, date, place, and agenda of the meeting.

34 *f.* If any materials are distributed to the executive board
35 before a meeting, the executive board, upon receipt of the

LSB 5095YH (3) 85
md/sc

-7-

7/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 materials, shall make copies reasonably available to unit
2 owners, except that the executive board is not required to make
3 available copies of unapproved minutes or materials that are to
4 be considered during an executive session.

5 *g.* Unless otherwise provided in the declaration or bylaws,
6 the executive board may conduct a meeting by telephonic, video,
7 or other conferencing method if all of the following conditions
8 are met:

9 (1) The meeting notice states the conferencing method to
10 be used and provides information explaining how unit owners
11 may participate in the conference directly or by meeting at a
12 central location or conference connection.

13 (2) The process provides all unit owners the opportunity
14 to hear or perceive the discussion and to comment on matters
15 before the executive board.

16 *h.* Following termination of the period of declarant control,
17 unit owners may amend the bylaws to vary the procedures for
18 meetings described in paragraph "*g*".

19 *i.* In lieu of a meeting, the executive board may act by
20 unanimous consent if such action is documented in a record
21 authenticated by all executive board members. The secretary
22 shall give prompt notice to all unit owners of any action
23 taken by unanimous consent. After termination of the period
24 of declarant control, an executive board may act by unanimous
25 consent only to undertake ministerial actions or to implement
26 actions previously taken at a meeting of the executive board.

27 *j.* Unless otherwise restricted by this chapter or the common
28 interest community's bylaws, an executive board may determine
29 rules of procedure for the executive board.

30 *k.* An executive board may remove any person from a meeting
31 of the executive board upon a finding by a majority of the
32 board members that the person is being disruptive to the
33 meeting. An executive board may bar any person from meetings
34 of the executive board or other meetings of the common interest
35 community for a period of up to one year if the person has

LSB 5095YH (3) 85

md/sc

8/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 been twice removed from a meeting within the preceding twelve
2 months.

3 1. An action by an executive board that is not in compliance
4 with this section is valid unless invalidated by a court. A
5 challenge to the validity of an action of the executive board
6 for failure to comply with this section shall not be brought
7 more than sixty days after the minutes of the executive board
8 of the meeting at which the action was taken are approved
9 or the record of that action is distributed to unit owners,
10 whichever is later.

11 Sec. 12. NEW SECTION. **499C.402 Association records.**

12 1. A unit owners association shall retain all of the
13 following:

14 a. Detailed records of receipts and expenditures relating to
15 the operation and administration of the unit owners association
16 and other appropriate accounting records.

17 b. Minutes of all unit owners meetings and executive board
18 meetings, a record of all actions taken by the unit owners or
19 the executive board without a meeting, and a record of all
20 actions taken by a committee in place of the executive board on
21 behalf of the unit owners association. The minutes retained
22 by the unit owners association shall indicate the date, time,
23 and place of the meeting, the names of all persons present
24 at the meeting, and each action taken at the meeting. The
25 minutes shall also include the results of each vote taken at
26 the meeting, including information indicating the vote of each
27 executive board member present at the meeting. The vote of
28 each executive board member present shall be made public at the
29 open session.

30 c. The names of all unit owners in a form that permits
31 preparation of a list of the names of all owners and the
32 regular mail or electronic mail address at which the unit
33 owners association communicates with them, and the number of
34 votes each unit owner is entitled to cast.

35 d. The unit owners association's original and amended



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 organizational documents, bylaws, including all amendments to
2 the bylaws, and all rules of the common interest community
3 currently in effect.
4 *e.* All financial statements and tax returns of the unit
5 owners association for the past three years.
6 *f.* A list of the names and addresses of the current
7 executive board members and officers.
8 *g.* The unit owners association's most recent annual report
9 delivered to the secretary of state, if applicable.
10 *h.* Copies of each contract to which the unit owners
11 association is currently a party.
12 *i.* Records of executive board or committee actions relating
13 to requests for design or architectural approval from unit
14 owners.
15 *j.* Ballots, proxies, and other records related to voting by
16 unit owners for one year after the election, action, or vote.
17 2. Except as provided under subsections 3 and 4, all records
18 retained by a unit owners association must be available for
19 examination and copying by a unit owner or the unit owner's
20 authorized agent during reasonable business hours or at a
21 mutually convenient time and location upon providing a five
22 days' notice that reasonably identifies the specific records
23 that are being requested.
24 3. Records retained by a unit owners association may be
25 withheld from inspection and copying to the extent that they
26 concern:
27 *a.* Personally identifiable information, salary, and medical
28 records relating to specific individuals.
29 *b.* Information relating to contracts, leases, and other
30 commercial transactions to purchase or provide goods or
31 services, that are currently under negotiation.
32 *c.* Information relating to existing or potential litigation,
33 mediation, arbitration, or governmental administrative
34 proceedings.
35 *d.* Information relating to existing or potential matters

LSB 5095YH (3) 85

-10-

md/sc

10/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 involving governmental administrative proceedings or other
2 proceedings before a government tribunal for enforcement of the
3 declaration, bylaws, or rules.

4 e. Communications with the unit owners association attorney
5 which are otherwise protected by the attorney-client privilege
6 or the attorney work-product doctrine.

7 f. Information that if disclosed would violate another
8 provision of law.

9 g. Records of an executive session of the executive board.
10 However, upon the completion of a matter that is the subject of
11 an executive session held under section 499C.401, subsection
12 2, paragraph "a", subparagraphs (1) through (4), such records
13 of the executive session shall be available for inspection as
14 provided in this section.

15 h. Records directly related to the personal, health, or
16 financial information of a unit owner, if the person requesting
17 the records is not the unit owner that is the subject of the
18 records.

19 4. A unit owners association may charge a reasonable fee
20 for providing copies of any records under this section and for
21 supervising the inspection of such records.

22 5. The right to inspect records under this section includes
23 the right to copy records by photocopying or other means and
24 includes the right to receive copies through an electronic
25 transmission, if available, upon request of the requester.

26 6. A unit owners association is not obligated to compile or
27 synthesize information or records under this section.

28 7. Information or records obtained under this section shall
29 not be used for commercial purposes.

30 Sec. 13. NEW SECTION. **499C.403 Notice to unit owners.**

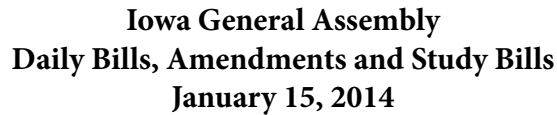
31 1. A unit owners association or an executive board, as
32 applicable, shall deliver each notice required to be given by
33 the association or board under this chapter to the regular mail
34 address or electronic mail address provided by each unit owner.
35 If a regular mail address or electronic mail address is not

LSB 5095YH (3) 85

-11-

md/sc

11/15



1 provided by the unit owner, the notice may be delivered using
2 any of the following methods:

- 3 *a.* Hand delivery to the unit owner.
- 4 *b.* Mailing by regular mail or certified mail as defined in
5 section 618.15 to the address of the unit.
- 6 *c.* Any other method reasonably calculated to provide notice
7 to the unit owner.

8 2. The ineffectiveness of a good-faith effort to deliver
9 notice under subsection 1 does not invalidate an action taken
10 at a meeting or an action taken by other means.

13 A declarant, unit owners association, unit owner, or any
14 other person subject to this chapter may bring an action to
15 enforce a right granted or obligation imposed by this chapter,
16 the declaration, or the bylaws. In any action brought under
17 this chapter, the court may award reasonable attorney fees to
18 the prevailing party.

22 This bill creates the "Iowa Common Interest Ownership Act,"
23 new Code chapter 499C. The bill provides that it is the
24 public policy of the state that the management and affairs of
25 common interest communities be conducted openly and that the
26 new Code chapter is to be construed to provide open access to
27 the management of the common interest community for the unit
28 owners.

Page 17 of 164



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 that a common interest community does not include a covenant
2 that requires the owners of separate parcels of real estate
3 to share certain costs or other obligations, unless all such
4 owners consent in writing to the creation of a common interest
5 community, and does not include community where all units are
6 owned by a single owner.

7 The bill defines cooperatives under Code chapter 499A and
8 horizontal property regimes under Code chapter 499B to be
9 common interest communities. The bill specifies that unless
10 otherwise provided by law new Code chapter 499C applies to
11 all common interest communities established within this state
12 having eight or more units. However, the bill provides that
13 for horizontal property regimes with seven or less apartments,
14 if the form of administration is a board of administration, the
15 board of administration must comply with the requirements of
16 new Code section 499C.401(2), regarding meeting requirements,
17 and new Code sections 499C.402 and 499C.403, relating to
18 records and notice.

19 The bill does not, except as specifically provided, allow
20 for the provisions of new Code chapter 499C to be varied by
21 agreement, and rights conferred by new Code chapter 499C may
22 not be waived.

23 The bill also provides that any portion of a declaration,
24 bylaws, covenant, or other contractual provision existing prior
25 to July 1, 2014, that violates or is inconsistent with new Code
26 chapter 499C is not enforceable. However, nothing in new Code
27 chapter 499C shall be construed to invalidate other provisions
28 of the declaration, bylaws, covenant, or contractual provisions
29 of those common interest communities established before July
30 1, 2014. The bill specifies that the provisions of new Code
31 chapter 499C shall prevail over any conflicting provision of
32 law under which a common interest community or unit owners
33 association is organized.

34 The bill requires each unit owners association, as defined
35 in the bill, to have an executive board. The bill defines an

LSB 5095YH (3) 85

-13-

md/sc

13/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 executive board as the body, regardless of name, designated
2 in the declaration or bylaws to act on behalf of the unit
3 owners association. However, the bill provides that an
4 executive board shall not act on behalf of the unit owners
5 association to amend the declaration, to terminate the common
6 interest community, to elect members of the executive board, or
7 determine the qualifications, powers and duties, or terms of
8 office of executive board members. The bill provides, however,
9 that an executive board may fill vacancies in its membership
10 for the unexpired portion of any term.

11 The bill provides that a declaration (the instrument that
12 creates the common interest community) may provide for a period
13 of declarant control of the unit owners association, during
14 which a declarant (the person or group of persons who creates
15 the common interest community), or persons designated by the
16 declarant, may appoint and remove the officers and members of
17 the executive board. The bill specifies that for declarations
18 filed on or after July 1, 2014, a period of declarant control
19 shall be clearly defined in the declaration.

20 The bill establishes requirements relating to meetings of
21 unit owners associations, executive boards, and committees
22 of such entities including requirements for the contents
23 of meeting notices, allowable actions during meetings,
24 requirements relating to unit owner comments, and the manner
25 in which meetings may be conducted. The bill also specifies
26 the manner and the reasons for which certain meetings may be
27 called.

28 The bill enacts requirements relating to the retention of
29 records by unit owners associations and specifies the records
30 retained by a unit owners association that may be withheld from
31 inspection and copying.

32 The bill requires a unit owners association or executive
33 board, as applicable, to deliver each notice required to be
34 given by the association under new Code chapter 499C to the
35 regular mail address or electronic mail address provided by

LSB 5095YH (3) 85

md/sc

14/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2010

1 each unit owner. If a regular mail or electronic mail address
2 is not provided by the unit owner, the unit owners association
3 may deliver the notice by a different method specified in
4 the bill. The bill provides that the ineffectiveness of a
5 good-faith effort to deliver notice does not invalidate an
6 action taken at a meeting or an action taken by other means.
7 The bill provides that a declarant, unit owners association,
8 unit owner, or any other person subject to new Code chapter
9 499C may bring an action to enforce a right granted or
10 obligation imposed by the Code chapter, the declaration, or the
11 bylaws. In any such action, the court may award reasonable
12 attorney fees to the prevailing party.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House File 2011 - Introduced

HOUSE FILE 2011

BY MURPHY, M. SMITH, MASCHER,
T. TAYLOR, R. OLSON, MEYER,
GASKILL, STAED, KEARNS,
OURTH, ANDERSON, THEDE,
H. MILLER, WOLFE, DAWSON,
STECKMAN, HUNTER, STUTSMAN,
WESSEL-KROESCHELL, LENSING,
and HANSON

A BILL FOR

1 An Act to increase the state minimum hourly wage and to provide
2 subsequent increases by the same percentage as the increase
3 in federal social security benefits.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5489YH (4) 85
je/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2011

1 Section 1. Section 91D.1, subsection 1, paragraphs a and d,
2 Code 2014, are amended to read as follows:

3 a. (1) The state hourly wage shall be at least \$6.20 as of
4 April 1, 2007, and \$7.25 as of January 1, 2008, \$7.75 as of July
5 1, 2014, \$8.25 as of January 1, 2015, \$9.00 as of July 1, 2015,
6 and \$10.10 as of January 1, 2016.

7 (2) The state hourly wage, including the state hourly wage
8 for the first ninety calendar days of employment provided in
9 paragraph "d", shall be increased annually on July 1, beginning
10 July 1, 2016, by the same percentage as the cost-of-living
11 increase in federal social security benefits authorized during
12 the previous state fiscal year by the federal social security
13 administration pursuant to section 215 of the federal Social
14 Security Act, 42 U.S.C. §415.

15 d. An employer is not required to pay an employee the
16 applicable state hourly wage provided in paragraph "a" until the
17 employee has completed ninety calendar days of employment with
18 the employer. An employee who has completed ninety calendar
19 days of employment with the employer ~~prior to April 1, 2007, or~~
20 ~~January 1, 2008,~~ shall earn the applicable state hourly minimum
21 wage as of ~~that~~ the date of completion. An employer shall
22 pay an employee who has not completed ninety calendar days of
23 employment with the employer an hourly wage of at least ~~\$5.30~~
24 ~~as of April 1, 2007, and \$6.35 as of January 1, 2008, \$6.85 as~~
25 ~~of July 1, 2014, \$7.35 as of January 1, 2015, \$8.10 as of July~~
26 ~~1, 2015, and \$9.20 as of January 1, 2016.~~

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill increases the state minimum hourly wage to \$7.75 as
31 of July 1, 2014, \$8.25 as of January 1, 2015, \$9.00 as of July
32 1, 2015, and \$10.10 as of January 1, 2016. The bill increases
33 the state minimum hourly wage for employees employed for less
34 than 90 days to \$6.85 as of July 1, 2014, \$7.35 as of January 1,
35 2015, \$8.10 as of July 1, 2015, and \$9.20 as of January 1, 2016.

LSB 5489YH (4) 85

-1-

je/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2011

1 The bill also increases the state minimum hourly wage,
2 including the minimum hourly wage established for employees
3 employed for less than 90 days, annually on July 1, beginning
4 July 1, 2016, by the same percentage as the cost-of-living
5 increase in social security benefits effective as of the
6 previous December, as authorized by the federal social security
7 administration.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House File 2012 - Introduced

HOUSE FILE 2012

BY FISHER, WINDSCHITL, ALONS,
LONDON, HEARTSILL, RIDING,
KOESTER, and MUHLBAUER

A BILL FOR

1 An Act relating to the possession of a pistol, revolver,
2 or ammunition by a person under the age of twenty-one in
3 certain circumstances and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5138YH (3) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2012

1 Section 1. Section 724.22, subsection 5, Code 2014, is
2 amended to read as follows:

3 5. A parent or guardian or spouse who is twenty-one years
4 of age or older, of a person ~~fourteen~~ twelve years of age but
5 less than twenty-one may allow the person to possess a pistol
6 or revolver or the ammunition therefor for any lawful purpose
7 while under the direct supervision of the parent or guardian
8 or spouse who is twenty-one years of age or older, or while the
9 person receives instruction in the proper use thereof from an
10 instructor twenty-one years of age or older, with the consent
11 of such parent, guardian, or spouse.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 Under current law, a person 14 years of age but less than 21
16 years of age may possess a pistol or revolver or the ammunition
17 for the pistol or revolver for any lawful purpose while under
18 the direct supervision of the person's parent or guardian or
19 spouse who is 21 years of age or older, or while the person
20 receives instruction in the proper use of a pistol or revolver
21 from an instructor who is 21 or older with the consent of such
22 parent, guardian, or spouse. The bill lowers the age limit for
23 the person to possess a pistol or revolver or ammunition under
24 these circumstances to 12 years of age. Under Code section
25 724.22, subsection 2, a person who violates this provision
26 commits a serious misdemeanor for a first offense and a class
27 "D" felony for second and subsequent offenses.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House File 2013 - Introduced

HOUSE FILE 2013
BY S. OLSON and LYKAM

A BILL FOR

1 An Act including certain bailiffs in the protection occupation
2 category of the Iowa public employees' retirement system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5263YH (6) 85
ec/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2013

1 Section 1. Section 97B.49B, subsection 1, paragraph e, Code
2 2014, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (13) A person other than a deputy
4 sheriff, jailer, or detention officer who is employed by a
5 sheriff to provide courthouse security services or prisoner
6 transportation duties, is required as a condition of employment
7 to carry a firearm and has been professionally trained and
8 qualified in the use of any firearm in connection with the
9 individual's duties, is required and authorized under limited
10 circumstances to perform law enforcement duties that may
11 include but are not limited to detaining persons, taking
12 persons into custody, making arrests, transporting or providing
13 custody and care for those persons under the sheriff's control,
14 and is a certified Iowa peace officer, has Iowa reserve
15 peace officer certification, or has equivalent peace officer
16 training.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill provides that persons employed by a sheriff
21 to provide courthouse security or prisoner transportation
22 duties who are required to carry a firearm, have peace officer
23 training, and are required to perform certain law enforcement
24 duties, are included within the protection occupation category
25 of the Iowa public employees' retirement system.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House File 2014 - Introduced

HOUSE FILE 2014
BY MURPHY

A BILL FOR

1 An Act relating to meetings of advisory boards, advisory
2 councils, advisory commissions, and task forces under Iowa's
3 open meetings and public records laws.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5058HH (3) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2014

1 Section 1. Section 21.2, subsection 1, Code 2014, is amended
2 to read as follows:

3 1. "Governmental body" means:

4 a. A board, council, commission, or other governing body
5 expressly created by the statutes of this state or by executive
6 order.

7 b. A board, council, commission, or other governing body
8 of a political subdivision or tax-supported district in this
9 state.

10 c. A multimembered body formally and directly created by
11 one or more boards, councils, commissions, or other governing
12 bodies subject to ~~paragraphs~~ paragraph "a" and or "b" of this
13 subsection.

14 d. Those multimembered bodies to which the state board
15 of regents or a president of a university has delegated
16 the responsibility for the management and control of the
17 intercollegiate athletic programs at the state universities.

18 ~~e. An advisory board, advisory commission, or task force~~
19 ~~created by the governor or the general assembly to develop and~~
20 ~~make recommendations on public policy issues.~~

21 ~~f.~~ e. A nonprofit corporation other than a fair conducting
22 a fair event as provided in chapter 174, whose facilities or
23 indebtedness are supported in whole or in part with property
24 tax revenue and which is licensed to conduct pari-mutuel
25 wagering pursuant to chapter 99D or a nonprofit corporation
26 which is a successor to the nonprofit corporation which built
27 the facility.

28 ~~g.~~ f. A nonprofit corporation licensed to conduct gambling
29 games pursuant to chapter 99F.

30 ~~h. An advisory board, advisory commission, advisory~~
31 ~~committee, task force, or other body created by statute or~~
32 ~~executive order of this state or created by an executive order~~
33 ~~of a political subdivision of this state to develop and make~~
34 ~~recommendations on public policy issues.~~

35 ~~i.~~ g. The governing body of a drainage or levee district

LSB 5058HH (3) 85

-1-

rh/rj

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2014

1 as provided in chapter 468, including a board as defined in
2 section 468.3, regardless of how the district is organized.
3 ~~j. h. An advisory board, advisory commission, advisory~~
4 ~~committee, task force, or other body created by an~~ An entity
5 or a joint board established or organized pursuant to an
6 agreement under chapter 28E, or by the administrator or joint
7 board specified in a chapter 28E agreement, to develop and make
8 recommendations on public policy issues unless the agreement
9 includes public agencies from more than one state.

10 i. An advisory board, advisory commission, advisory
11 committee, task force, or other body created by any of the
12 following to develop and make recommendations on public policy
13 issues:

14 (1) The governor or the general assembly.

15 (2) A statute or executive order of this state.

16 (3) An executive order or motion, resolution, or ordinance
17 of a political subdivision of this state.

18 (4) A governmental body as defined in paragraphs "a" through
19 "h".

20 Sec. 2. Section 21.11, Code 2014, is amended to read as
21 follows:

22 **21.11 Applicability to nonprofit corporations.**

23 This chapter applies to nonprofit corporations which
24 are defined as governmental bodies subject to section 21.2,
25 subsection 1, paragraph "f" ~~"e"~~, only when the meetings
26 conducted by the nonprofit corporations relate to the conduct
27 of pari-mutuel racing and wagering pursuant to chapter 99D.

28 Sec. 3. Section 22.1, subsection 1, Code 2014, is amended
29 to read as follows:

30 1. The term "government body" means this state, or
31 any county, city, township, school corporation, political
32 subdivision, tax-supported district, nonprofit corporation
33 other than a fair conducting a fair event as provided in
34 chapter 174, whose facilities or indebtedness are supported
35 in whole or in part with property tax revenue and which is

LSB 5058HH (3) 85

-2-

rh/rj

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2014

1 licensed to conduct pari-mutuel wagering pursuant to chapter
2 99D; the governing body of a drainage or levee district as
3 provided in chapter 468, including a board as defined in
4 section 468.3, regardless of how the district is organized;
5 or other entity of this state; or any branch, department,
6 board, bureau, commission, council, or committee including
7 any advisory board, advisory commission, advisory committee,
8 or task force, official, or officer of any of the ~~foregoing~~
9 entities enumerated in this subsection or any employee
10 delegated the responsibility for implementing the requirements
11 of this chapter.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to meetings of advisory boards, advisory
16 committees, advisory commissions, and task forces under Iowa's
17 open meetings and public records laws.

18 The bill amends the definition of governmental body for
19 purposes of the open meetings law (Code chapter 21) to provide
20 that all advisory bodies created by the governor, general
21 assembly, statute or executive order of this state, executive
22 order or motion, resolution, or ordinance of a political
23 subdivision of this state, or a governmental body defined
24 in Code section 21.2, subsection 1, to develop and make
25 recommendations on public policy issues, are subject to the
26 requirements of the open meetings law.

27 The bill amends the definition of government body for
28 purposes of the public records law to provide that any advisory
29 board, advisory council, advisory commission, or task force of
30 a government body defined in Code section 22.1, subsection 1,
31 is subject to the requirements of the public records law.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House File 2015 - Introduced

HOUSE FILE 2015
BY RIDING

A BILL FOR

1 An Act relating to the establishment of a committee to study
2 professional licenses administered or supervised by the
3 department of public health.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5518HH (5) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2015

1 Section 1. PROFESSIONAL LICENSING LEGISLATIVE INTERIM
2 COMMITTEE.

3 1. The legislative council is requested to establish a
4 legislative interim committee composed of five members of the
5 house of representatives and five members of the senate to meet
6 during the 2014 legislative interim, to study professional
7 licenses administered or supervised by the department of public
8 health.

9 2. The committee shall work in conjunction with the
10 department of public health to conduct a study of professional
11 licenses and evaluate the effects of such licensing on the
12 economy and on public health and safety. The study shall
13 include all of the following:

14 a. Identification of all professional licenses,
15 registrations, and certifications administered by the
16 department of public health.

17 b. A review of all regulations and continuing education
18 requirements for each license, registration, or certification
19 and a comparison of those regulations and requirements to other
20 states' regulations and requirements for similar professions.

21 c. An evaluation of whether the requirements and
22 regulations for each profession are important in protecting
23 public health and safety or whether the requirements and
24 regulations are intended to address other issues.

25 d. A determination of whether the requirements and
26 regulations pertain to all licensees within the profession
27 or whether any licensees are exempt from the requirements or
28 regulations, as well as an evaluation of the possible reasons
29 for any exemptions or exceptions.

30 e. A determination of whether any regulation or requirement
31 is onerous to a particular professional.

32 f. A determination of whether specific professional
33 licenses, registrations, or certifications, or regulations,
34 requirements, or training for such licenses, registrations,
35 or certifications are necessary for public health and safety,

LSB 5518HH (5) 85
ad/nh

-1-

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2015

1 recommendations on the elimination of certain professional
2 licenses, registrations, or certifications, or regulations,
3 requirements, or training for such licenses, registrations, or
4 certifications, other recommendations, and cost projections for
5 any recommendations.

6 g. Other information the committee deems relevant.

7 3. The committee shall submit its findings and
8 recommendations to the general assembly by January 15, 2015.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill requests the legislative council to establish a
13 legislative interim committee to study professional licenses
14 administered or supervised by the department of public health
15 and the regulations and requirements for those licenses.

16 The bill directs the committee to work with the Iowa
17 department of public health (IDPH) to conduct a study of
18 professional licenses to evaluate the effects of licensing
19 on the economy and on public health and safety. The bill
20 states that the study must include all of the following: the
21 identification of all professional licenses, registrations, and
22 certifications administered or supervised by IDPH; a review
23 of regulations and training requirements for each license,
24 registration, or certification and a comparison to other
25 states; an evaluation of the rationale for the requirements
26 and regulations for each professional license; a review of
27 exceptions or exemptions from regulations and requirements for
28 professional licensure; a determination of the hardship of
29 regulations or requirements for the professional licensure; and
30 recommendations for elimination of regulations or requirements
31 for professional licensure, or the elimination of certain
32 professional licenses, registrations, or certifications.

33 The bill directs the committee to submit its findings to the
34 general assembly by January 15, 2015.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House File 2016 - Introduced

HOUSE FILE 2016
BY BYRNES

A BILL FOR

1 An Act relating to the use of automated traffic enforcement
2 systems.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5545YH (2) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2016

1 Section 1. Section 321.1, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 95. "*Automated traffic enforcement system*"
4 means a device with one or more sensors working in conjunction
5 with at least one of the following:

6 *a.* An official traffic-control signal, to produce recorded
7 images of motor vehicles entering an intersection against a
8 flashing red light, steady circular red light, or a steady red
9 arrow.

10 *b.* An official traffic-control signal at a railroad grade
11 crossing, as described in section 321.342, to produce recorded
12 images of vehicles violating a flashing red or steady circular
13 red light.

14 *c.* A speed measuring device, to produce recorded images of
15 motor vehicles travelling at a prohibited rate of speed.

16 Sec. 2. NEW SECTION. 321.5A **Automated traffic enforcement**
17 **systems.**

18 The state or a local authority shall not use an automated
19 traffic enforcement system except as provided in this section.

20 1. A local authority may by ordinance authorize the use of
21 automated traffic enforcement systems to detect violations of
22 posted speed limits or official traffic-control signals which
23 constitute municipal or county infractions.

24 2. A local authority shall provide signage, in conformance
25 with the uniform system adopted pursuant to section 321.252,
26 giving notice of the use of an automated traffic enforcement
27 system on the approach to each location where an automated
28 traffic enforcement system is in use as follows:

29 *a.* A sign shall be posted on each road on the approach to
30 the next traffic-control signal where an automated traffic
31 enforcement system is in use.

32 *b.* A sign shall be posted on the approach to the next speed
33 limit zone on a road where an automated traffic enforcement
34 system is being used for speed limit enforcement.

35 *c.* A temporary sign shall be positioned or posted on the

LSB 5545YH (2) 85

-1-

dea/nh

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2016

1 approach to each location where a mobile automated traffic
2 enforcement system is being used for speed limit enforcement.
3 *d.* A temporary or permanent sign giving notice of the use
4 of an automated traffic enforcement system for the enforcement
5 of speed limits shall be positioned or posted at a distance
6 in advance of the automated traffic enforcement system which,
7 in relation to the applicable speed limit, would provide
8 adequate notice to a motor vehicle operator travelling at the
9 speed limit before entering the range of the automated traffic
10 enforcement system.

11 3. Recorded images produced by an automated traffic
12 enforcement system evidencing a violation of a posted speed
13 limit or an official traffic-control signal shall be reviewed
14 by a peace officer of the local law enforcement agency to
15 affirm that a violation occurred and the identity of the motor
16 vehicle involved in the violation. If following the officer's
17 review, a notice of a fine or citation is issued to the owner
18 of the motor vehicle involved in the violation, the following
19 requirements apply:

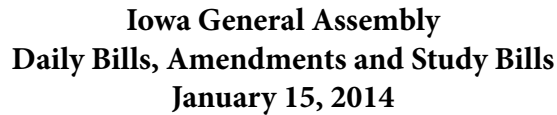
20 *a.* An affidavit bearing the written or electronic signature
21 of the peace officer shall be included on the notice or
22 citation.

23 *b.* The notice or citation shall contain a statement, in bold
24 type, regarding the process for appealing the fine.

25 *c.* The notice or citation shall be sent by ordinary mail to
26 the owner of the motor vehicle involved not more than thirty
27 days following the incident giving rise to the notice of a fine
28 or citation, as evidenced by the postmark.

29 4. A local authority shall not charge the owner of a
30 motor vehicle administrative costs in addition to any civil
31 penalty imposed for a violation detected by an automated
32 traffic enforcement system. Civil penalties imposed for such
33 violations shall not exceed the following amounts:

34 *a.* For a violation of an official traffic-control signal,
35 seventy-five dollars.



1 b. For a violation of a speed limit, the amount of the
2 fine established in section 805.8A for an equivalent speeding
3 violation charged as a scheduled violation, subject to the
4 limitation established in section 331.302, subsection 2, for
5 violation of a county ordinance, or the limitation established
6 in section 364.3, subsection 2, for violation of a city
7 ordinance.

18 Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS
19 — VALIDITY OF PRIOR NOTICES AND CITATIONS. Notices mailed
20 or citations issued for violations committed prior to the
21 effective date of this Act, pursuant to a local ordinance
22 authorizing the use of an automated traffic enforcement system,
23 shall not be invalidated by the enactment of this Act and shall
24 be processed according to the provisions of the law under which
25 they were authorized.

26

27
28

LSB 5545YH (2) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2016

1 at a railroad grade crossing, or a speed measuring device. An
2 ATE system records images of vehicles violating an associated
3 traffic-control signal or a speed limit. The definition
4 includes within its scope devices known as "red light cameras"
5 and "speed cameras".

6 The bill authorizes the use of ATE systems in conjunction
7 with official traffic-control signals or for the enforcement of
8 speed limits pursuant to municipal or county ordinance.

9 A local authority is required to post signs giving notice of
10 the use of an ATE system on the approach to each location where
11 an ATE system is in use. The signage must be in conformance
12 with the uniform system adopted by the state. The bill
13 specifies that signs giving notice of an ATE system being used
14 for speed limit enforcement must be positioned or posted at
15 a distance in advance of the ATE system which would provide
16 adequate notice to a motor vehicle operator travelling at the
17 speed limit before entering the range of the ATE system.

18 The bill requires that recorded images produced by an ATE
19 system showing a violation of a posted speed limit or an
20 official traffic control signal must be reviewed by a peace
21 officer of the local law enforcement agency to affirm that
22 the violation occurred and the identity of the motor vehicle
23 involved in the violation. A notice of a fine or citation
24 issued to the owner of the motor vehicle must include an
25 affidavit bearing the written or electronic signature of the
26 peace officer and a statement, in bold type, regarding the
27 process for appealing the fine. The notice or citation must be
28 mailed to the owner within 30 days following the occurrence of
29 the violation, as evidenced by the postmark.

30 The bill imposes limits on the fine amounts that may be
31 charged by a local authority for ATE violations and prohibits
32 a local authority from charging administrative costs in
33 addition to a fine. The fine for a violation of an official
34 traffic-control device is limited to \$75. For a speeding
35 violation, the fine cannot exceed the amount of the fine set

LSB 5545YH (2) 85
dea/nh

-4-

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. 2016

1 out in Code section 805.8A for an equivalent speeding violation
2 charged as a scheduled violation. Speeding fines are also
3 subject to the limitation under current law, which restricts
4 penalties for violation of a local ordinance to not more than
5 the penalty for a simple misdemeanor, currently capped at \$625.

6 The bill requires a local authority using an ATE system to
7 file an annual report with the department of public safety
8 comparing the type and rate of accidents that occurred at each
9 ATE system location for the two previous years. The report
10 is to be kept on file by the local authority for use by its
11 governing body in evaluating public safety improvements under
12 the ATE program.

13 The bill provides that notices mailed or citations issued of
14 violations committed prior to the effective date of the bill,
15 pursuant to a local ordinance, are not invalidated by the bill
16 and remain enforceable.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Resolution 101 - Introduced

HOUSE RESOLUTION NO. 101

BY GRASSLEY, COWNIE, S. OLSON, DOLECHECK, HEARTSILL,
HEATON, SODERBERG, LANDON, MOORE, BRANDENBURG,
STANERSON, DEYOE, COSTELLO, FORRISTALL, GUSTAFSON,
DRAKE, PAULSEN, KOESTER, HAGENOW, SHAW, HESS,
SCHULTZ, MAXWELL, BACON, GASSMAN, WINDSCHITL,
BYRNES, KAUFMANN, HEIN, KLEIN, PETTENGILL, SANDS,
BAUDLER, J. SMITH, ALONS, HUSEMAN, VANDER LINDEN,
UPMEYER, R. TAYLOR, OURTH, MUHLBAUER, M. SMITH,
MURPHY, LOFGREN, FRY, HALL, GASKILL, HANSON, RUFF,
HANUSA, JORGENSEN, BEARINGER, H. MILLER, RIDING,
FISHER, SHEETS, and DUNKEL

1 A Resolution urging the United States government to
2 renew its commitment to farmers, lower fuel prices,
3 and the environment by supporting a robust and
4 sustainable renewable fuel standard.
5 WHEREAS, in accordance with the federal policy
6 including the Energy Policy Act of 2005, Pub. L. No.
7 109-58, the United States government has demonstrated
8 its commitment to the long-term policy of increasing
9 the production of clean renewable fuels according
10 to a renewable fuel standard (RFS), by enabling the
11 increased domestic production and use of renewable
12 fuels, which include renewable biofuels such as
13 ethanol, biodiesel, and cellulosic and advanced
14 biofuels; and
15 WHEREAS, the RFS provides the foundation for
16 reducing this nation's dependence on foreign sources
17 of oil, reducing the price of transportation fuels,
18 reducing transportation fuel emissions, increasing



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.R. 101

1 rural incomes, encouraging the development and
2 expansion of new advanced biofuels, and consequently
3 promoting economic growth; and

4 WHEREAS, the RFS assists in bringing new
5 technologies to farmers and consumers, and points the
6 country in the direction of energy independence; and

7 WHEREAS, international turmoil has repeatedly caused
8 increased oil spikes and increased transportation costs
9 for consumers, including increased costs attributable
10 to the transportation of food and other goods; and

11 WHEREAS, biofuels reduce greenhouse gas
12 emissions; and

13 WHEREAS, Iowa's biofuels industry has added over \$8
14 billion to Iowa's economy and generated \$2 billion in
15 new household income; and

16 WHEREAS, approximately 90,000 Iowa farmers support
17 their families and reinvigorate rural communities
18 through innovative and high-tech agricultural
19 production; and

20 WHEREAS, the United States Environmental Protection
21 Agency (EPA) is responsible for establishing and
22 implementing the RFS, including the requirement that
23 certain volumes of various types of biofuels be blended
24 in transportation fuels each year; and

25 WHEREAS, the EPA recently proposed reducing the
26 volume levels of ethanol and biodiesel in the RFS, in
27 direct conflict with the statute; and

28 WHEREAS, the EPA's proposal is estimated to cause
29 the loss of 37,400 ethanol-related jobs and the loss of
30 7,500 biodiesel-related jobs; and

LSB 5619HH (3) 85

-2-

da/rj

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.R. 101

1 WHEREAS, the EPA's proposal will cause a reduction
2 in the price of corn below the cost of production with
3 a negative economic impact on midwest farm families,
4 agribusinesses, and rural communities; and

5 WHEREAS, the EPA's proposal will cause a substantial
6 reduction in the long-term investment in biofuels
7 infrastructure and a reduction in investments in
8 further energy innovation for ethanol, biodiesel,
9 advanced biofuels, and cellulosic biofuels; NOW
10 THEREFORE,

11 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
12 That the United States government is urged to renew
13 its commitment to farmers, lower fuel prices, and the
14 environment by supporting a robust and sustainable
15 RFS and use all efforts to meet the highest possible
16 renewable fuel volume requirements set forth in
17 the current RFS in order to ensure that this nation
18 diversifies its energy portfolio; and

19 BE IT FURTHER RESOLVED, That copies of this
20 resolution be delivered to the Honorable Barack Obama,
21 President of the United States, to the Honorable
22 Gina McCarthy, Administrator of the United States
23 Environmental Protection Agency, to the Honorable Tom
24 Vilsack, Secretary of Agriculture of the United States,
25 and to each member of Iowa's congressional delegation.

LSB 5619HH (3) 85

-3-

da/rj

3/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 501 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to commission of a criminal offense involving
2 a victim fifteen years of age or younger, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5252YC (6) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 710.3, Code 2014, is amended to read as
2 follows:

3 **710.3 Kidnapping in the second degree.**

4 1. Kidnapping where the purpose is to hold the victim
5 for ransom, or where the kidnapper is armed with a dangerous
6 weapon, or where the victim is fifteen years of age or younger,
7 is kidnapping in the second degree. Kidnapping in the second
8 degree is a class "B" felony.

9 2. For purposes of determining whether the person should
10 register as a sex offender pursuant to the provisions of
11 chapter 692A, the fact finder shall make a determination as
12 provided in section 692A.126.

13 Sec. 2. Section 903A.2, subsection 1, unnumbered paragraph
14 1, Code 2014, is amended to read as follows:

15 Each inmate committed to the custody of the director of the
16 department of corrections is eligible to earn a reduction of
17 sentence in the manner provided in this section. For purposes
18 of calculating the amount of time by which an inmate's sentence
19 may be reduced, inmates shall be grouped into the following ~~two~~
20 three sentencing categories:

21 Sec. 3. Section 903A.2, subsection 1, paragraph a,
22 unnumbered paragraph 1, Code 2014, is amended to read as
23 follows:

24 Category "A" sentences are those sentences which are not
25 subject to a maximum accumulation of earned time of fifteen
26 percent of the total sentence of confinement under section
27 902.12 or category "C" sentences. To the extent provided
28 in subsection 5, category "A" sentences also include life
29 sentences imposed under section 902.1. An inmate of an
30 institution under the control of the department of corrections
31 who is serving a category "A" sentence is eligible for a
32 reduction of sentence equal to one and two-tenths days for each
33 day the inmate demonstrates good conduct and satisfactorily
34 participates in any program or placement status identified by
35 the director to earn the reduction. The programs include but

LSB 5252YC (6) 85

-1-

jm/rj

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 are not limited to the following:

2 Sec. 4. Section 903A.2, subsection 1, paragraph b, Code
3 2014, is amended to read as follows:

4 b. Category "B" sentences are those sentences which are
5 subject to a maximum accumulation of earned time of fifteen
6 percent of the total sentence of confinement under section
7 902.12 and are not category "C" sentences. An inmate of an
8 institution under the control of the department of corrections
9 who is serving a category "B" sentence is eligible for a
10 reduction of sentence equal to fifteen eighty-fifths of a day
11 for each day of good conduct by the inmate.

12 Sec. 5. Section 903A.2, subsection 1, Code 2014, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. c. Notwithstanding paragraphs "a" and "b",
15 an inmate serving a category "C" sentence is ineligible to
16 earn any reduction of sentence under this section. Category
17 "C" sentences are those sentences where the victim was fifteen
18 years of age or younger at the time the offense was committed
19 and is a violation of any of the following:

20 (1) Sections 707.2, 707.3, 707.3A, 707.4, 707.5, and
21 707.11.

22 (2) Section 707A.2.

23 (3) Sections 708.2, subsections 1, 3, 4, and 5, section
24 708.2A, subsection 2, paragraphs "c" and "d", section 708.2A,
25 subsections 3, 4, and 5, sections 708.2C, 708.3, 708.4, 708.5,
26 and 708.6, section 708.7, subsection 2, and sections 708.8 and
27 708.11.

28 (4) Sections 709.2 and 709.3, section 709.4, except
29 section 709.4, subsection 1, paragraph "b", subparagraph (3),
30 subparagraph division (d), and sections 709.8, 709.11, 709.12,
31 709.15, and 709.16.

32 (5) Sections 710.2, 710.3, 710.4, 710.5, 710.10, and
33 710.11.

34 (6) Sections 710A.2 and 710A.2A.

35 (7) Sections 712.2, 712.3, and 712.4.

LSB 5252YC (6) 85

-2-

jm/rj

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

- 1 (8) Sections 713.3, 713.4, 713.5, and 713.6.
2 (9) Sections 725.1 and 725.2, and section 725.3, subsection
3 2.
4 (10) Section 726.2.
5 (11) Section 728.12.
6 (12) Any conspiracy as defined under section 706.1 to commit
7 an offense described in this paragraph "c".
8 Sec. 6. Section 903A.7, Code 2014, is amended to read as
9 follows:
10 **903A.7 Separate sentences.**
11 1. Consecutive multiple sentences that are within the
12 same category under section 903A.2 shall be construed as one
13 continuous sentence for purposes of calculating reductions of
14 sentence for earned time.
15 2. If a person is sentenced to serve sentences of both
16 categories, category "B" sentences shall be served before
17 category "A" sentences are served, and earned time accrued
18 against the category "B" sentences shall not be used to reduce
19 the category "A" sentences. If an inmate serving a category
20 "A" sentence is sentenced to serve a category "B" sentence,
21 the category "A" sentence shall be interrupted, and no further
22 earned time shall accrue against that sentence until the
23 category "B" sentence is completed.
24 3. If a person is sentenced to serve both a category "C"
25 sentence and another category sentence, the category "C"
26 sentence shall be served before the other category sentence
27 is served, and no earned time shall accrue until the category
28 "C" sentence has been served. If an inmate serving another
29 category sentence besides a category "C" sentence is sentenced
30 to serve a category "C" sentence, the sentence of the other
31 category sentence shall be interrupted, and no further earned
32 time shall accrue against that sentence until the category "C"
33 sentence is completed.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

LSB 5252YC (6) 85

-3-

jm/rj

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 the explanation's substance by the members of the general assembly.

2 This bill relates to criminal offenses involving a victim 15
3 years of age or younger.

4 The bill changes the definition of kidnapping in the second
5 degree to include any kidnapping where the victim is 15 years
6 of age or younger. A person who commits kidnapping in the
7 second degree commits a class "B" felony. A class "B" felony
8 is punishable by confinement for no more than 25 years.
9 Kidnapping in the second degree is also classified as a 70
10 percent sentence under Code section 902.12.

11 Under current law there are two sentence categories relating
12 to the accrual of earned time. An inmate serving a category
13 "A" sentence is eligible for a reduction of sentence equal to
14 one and two-tenths days for each day the inmate demonstrates
15 good conduct and satisfactorily participates in any program or
16 placement status identified by the director of the department
17 of corrections to earn the reduction. An inmate serving a
18 category "B" sentence under current law is eligible for a
19 reduction of sentence equal to fifteen eighty-fifths of a day
20 for each day of good conduct by the inmate.

21 The bill creates a category "C" sentence for the accrual of
22 earned time by eliminating the ability of an inmate convicted
23 of any of the following Code section offenses to accumulate
24 earned time if the victim of the offense was 15 years of age
25 or younger at the time the offense was committed: 707.2
26 (murder in the first degree), 707.3 (murder in the second
27 degree), 707.3A (solicitation to commit murder), 707.4
28 (voluntary manslaughter), 707.5 (involuntary manslaughter),
29 707.11 (attempt to commit murder), 707A.2 (assisting suicide),
30 708.2(1), (3), (4), and (5) (certain assaults), 708.2A(2)(c)
31 and (d) and 708.2A(3), (4), and (5) (certain domestic
32 assaults), 708.2C (assault in violation of individual rights),
33 708.3 (assault while participating in a felony), 708.4 (willful
34 injury), 708.5 (administering harmful substances), 708.6
35 (intimidation with a dangerous weapon), 708.7(2) (harassment

LSB 5252YC (6) 85

-4-

jm/rj

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 in the first degree), 708.8 (going armed with intent), 708.11
2 (stalking), 709.2 (sexual abuse in the first degree), 709.3
3 (sexual abuse in the second degree), 709.4 (sexual abuse in the
4 third degree except statutory rape), 709.8 (lascivious acts
5 with a child), 709.11 (assault with intent to commit sexual
6 abuse), 709.12 (indecent contact with a child), 709.15 (sexual
7 exploitation by a counselor, therapist, or school employee),
8 709.16 (sexual misconduct with offenders and juveniles), 710.2
9 (kidnapping in the first degree), 710.3 (kidnapping in the
10 second degree), 710.4 (kidnapping in the third degree), 710.5
11 (child stealing), 710.10 (enticing a minor), 710.11 (purchase
12 or sale of individual), 710A.2 (human trafficking), 710A.2A
13 (solicitation of commercial sexual activity), 712.2 (arson in
14 the first degree), 712.3 (arson in the second degree), 712.4
15 (arson in the third degree), 713.3 (burglary in the first
16 degree), 713.4 (attempted burglary in the first degree), 713.5
17 (burglary in the second degree), 713.6 (attempted burglary in
18 the second degree), 725.1 (prostitution), 725.2 (pimping),
19 725.3(2) (pandering involving a minor), 726.2 (incest), 728.12
20 (sexual exploitation of a minor), and any conspiracy as defined
21 in Code section 706.1 to commit an offense described in the
22 bill involving a victim 15 years of age or younger.

23 Under the bill, if a person is sentenced to serve both
24 a category "C" sentence and another category sentence, the
25 category "C" sentence shall be served before the other category
26 sentence is served, and no earned time shall accrue until the
27 category "C" sentence has been served. The bill also provides
28 that if an inmate serving another category sentence besides
29 a category "C" sentence is sentenced to serve a category "C"
30 sentence, the sentence of the other category sentence shall be
31 interrupted, and no further earned time shall accrue against
32 that sentence until the category "C" sentence is completed.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 502 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the exclusion from the computation of net
2 income for the individual income tax of net capital gains
3 from the sale of a business and including retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5083YC (3) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 422.7, subsection 21, paragraph a, Code
2 2014, is amended to read as follows:
3 a. (1) (a) Net capital gain from the sale of a business or
4 from the sale of real property used in a business, in which the
5 taxpayer materially participated for a minimum of ten years,
6 ~~as defined in section 469(h) of the Internal Revenue Code,~~ and
7 which has been held for a minimum of ten years, ~~or from the~~
8 ~~sale of a business, as defined in section 423.1, in which the~~
9 ~~taxpayer materially participated for ten years, as defined in~~
10 ~~section 469(h) of the Internal Revenue Code, and which has been~~
11 ~~held for a minimum of ten years. The sale of a business means~~
12 ~~the sale of all or substantially all of the tangible personal~~
13 ~~property or service of the business.~~
14 (b) ~~However, where the business is sold~~ If the sale of the
15 business in subparagraph division (a) is made to individuals
16 who are all lineal descendants of the taxpayer, the taxpayer
17 does not have to have materially participated in the business
18 in order for the net capital gain from the sale to be excluded
19 from taxation.
20 (2) ~~However, in~~ In lieu of the net capital gain deduction
21 in this paragraph and paragraphs "b", "c", and "d", ~~where the~~
22 ~~business is sold~~ if the sale of the business in subparagraph
23 (1) is made to individuals who are all lineal descendants of
24 the taxpayer, the amount of capital gain from each capital
25 asset may be subtracted in determining net income.
26 ~~(2)~~ (3) For purposes of this paragraph, unless the context
27 otherwise requires:
28 (a) "Business" means the same as defined in section 423.1.
29 (b) ~~"lineal"~~ "Lineal descendant" means children of the
30 taxpayer, including legally adopted children and biological
31 children, stepchildren, grandchildren, great-grandchildren, and
32 any other lineal descendants of the taxpayer.
33 (c) "Materially participated" means the same as defined in
34 section 469(h) of the Internal Revenue Code.
35 (d) "Sale of a business" means the sale of all or

LSB 5083YC (3) 85

-1-

mm/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 substantially all of the tangible personal property or service
2 of the business, or the sale of all or substantially all of the
3 taxpayer's stock or equity interest in the business, whether
4 the business is held as a sole proprietorship, corporation,
5 partnership, joint venture, trust, limited liability company,
6 or another business entity.

7 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
8 retroactively to January 1, 2014, for tax years beginning on
9 or after that date.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to the taxation of net capital gains from
14 the sale of a business.

15 This state provides an exclusion from the computation of net
16 income for the individual income tax of any net capital gains
17 realized from the sale of a business if the taxpayer held the
18 business for at least 10 years and materially participated in
19 the business for at least 10 years.

20 Under current law, "sale of a business" is defined as the
21 sale of all or substantially all of the tangible personal
22 property or service of the business. The bill modifies the
23 definition to include the sale of all or substantially all of a
24 taxpayer's stock or equity interest in the business, whether
25 the business is held as a sole proprietorship, corporation,
26 partnership, joint venture, trust, limited liability company,
27 or another business entity.

28 The bill applies retroactively to January 1, 2014, for tax
29 years beginning on or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 503 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the criminal offense of interference with
2 official acts, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5115HC (3) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 719.1, subsection 2, unnumbered
2 paragraph 1, Code 2014, is amended to read as follows:
3 A person under the custody, control, or supervision of
4 the department of corrections, a county jail, or a municipal
5 holding facility, commits interference with official acts when
6 the person knowingly resists, obstructs, or interferes with a
7 correctional officer, jailer, agent, employee, or contractor,
8 whether paid or volunteer, in the performance of the person's
9 official duties.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to interference with official acts.

14 Under the bill, a person under the custody, control, or
15 supervision of a county jail or municipal holding facility who
16 knowingly resists, obstructs, or interferes with a jailer,
17 agent, employee, or contractor in the performance of the
18 official duties of the jailer, agent, employee, or contractor
19 commits interference with official acts.

20 The criminal offense for the commission of interference
21 with official acts pursuant to the bill ranges from a serious
22 misdemeanor through a class "C" felony depending upon the facts
23 of the offense under Code section 719.1(2).

24 A person who assaults a jailer may also be punished pursuant
25 to the existing provisions of Code section 708.3A.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 504 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act reducing the statute of repose period in a case arising
2 out of the unsafe or defective condition of an improvement
3 to real property and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5471YC (4) 85
rh/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 614.1, subsection 11, Code 2014, is
2 amended to read as follows:

3 11. *Improvements to real property.* In addition to
4 limitations contained elsewhere in this section, an action
5 arising out of the unsafe or defective condition of an
6 improvement to real property based on tort and implied warranty
7 and for contribution and indemnity, and founded on injury to
8 property, real or personal, or injury to the person or wrongful
9 death, shall not be brought more than ~~fifteen~~ eight years after
10 the date on which occurred the act or omission of the defendant
11 alleged in the action to have been the cause of the injury or
12 death. However, this subsection does not bar an action against
13 a person solely in the person's capacity as an owner, occupant,
14 or operator of an improvement to real property.

15 Sec. 2. APPLICABILITY. This Act applies to actions filed on
16 or after the effective date of this Act.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to the statute of repose period in a
21 case arising out of the unsafe or defective condition of an
22 improvement to real property.

23 The bill reduces the 15-year statute of repose period in a
24 case arising out of the unsafe or defective condition of an
25 improvement to real property to eight years. Such cases are
26 based upon an injury to property or an injury or death of a
27 person.

28 A statute of repose period differs from a statute of
29 limitations period in that a statute of repose period
30 establishes a time period after which a lawsuit based upon
31 negligence in an improvement to real property cannot be filed
32 regardless of whether an injury to a person or to property has
33 occurred. A statute of limitations period begins at the date
34 of the injury or upon discovery of the deficiency.

35 The bill applies to actions filed on or after the effective

LSB 5471YC (4) 85

-1-

rh/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 date of the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 505 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the criminal sentencing of juveniles in
2 district court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5085HC (4) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 901.5, subsection 14, Code 2014, is
2 amended to read as follows:
3 14. Notwithstanding any provision in section 907.3 or
4 any other provision of law prescribing a mandatory minimum
5 sentence for the offense, if the defendant, other than a child
6 being prosecuted as a youthful offender, is guilty of a public
7 offense other than a class "A" felony, and was under the age of
8 eighteen at the time the offense was committed, the court may
9 suspend the sentence, suspend any mandatory minimum sentence in
10 whole or in part, including any mandatory minimum sentence, or
11 with the consent of the defendant, defer judgment or sentence,
12 and place the defendant on probation upon such conditions as
13 the court may require.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the criminal sentencing of juveniles.
18 The bill specifies that the court may suspend the sentence of
19 a juvenile in district court, and suspend any mandatory minimum
20 sentence in whole or in part, if the juvenile did not commit
21 a class "A" felony and is not being prosecuted as a youthful
22 offender.

23 Current law specifies that the court may suspend the
24 sentence of a juvenile in whole or in part, including any
25 mandatory minimum sentence, if the juvenile did not commit a
26 class "A" felony and is not being prosecuted as a youthful
27 offender.

28 The bill amends newly codified language enacted in SF 288
29 during the 2013 legislative session.

LSB 5085HC (4) 85

-1-

jm/rj

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 506 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to elections or appointments to a county
2 magistrate appointing commission.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5116HC (3) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 602.6502, Code 2014, is amended to read
2 as follows:

3 **602.6502 Prohibitions to appointment.**

4 A member of a county magistrate appointing commission
5 shall not be appointed to the office of magistrate, and shall
6 not be nominated for or appointed to the office of district
7 associate judge, office of associate juvenile judge, or office
8 of associate probate judge. A member of the commission shall
9 not be eligible to vote for the appointment or nomination of
10 a family member, current law partner, ~~or~~ current business
11 partner, or current member of the same office. For purposes
12 of this section, "*family member*" means a spouse, son, daughter,
13 brother, sister, uncle, aunt, first cousin, nephew, niece,
14 father-in-law, mother-in-law, son-in-law, daughter-in-law,
15 brother-in-law, sister-in-law, father, mother, stepfather,
16 stepmother, stepson, stepdaughter, stepbrother, stepsister,
17 half brother, or half sister.

18 Sec. 2. Section 602.6503, subsection 2, Code 2014, is
19 amended to read as follows:

20 2. The board of supervisors shall not appoint an attorney ~~or~~
21 ~~an active law enforcement officer~~ to serve as a commissioner.

22 Sec. 3. Section 602.6504, subsection 2, Code 2014, is
23 amended to read as follows:

24 2. A Notwithstanding section 39.11 or any other law or rule
25 to the contrary, a county attorney shall not may be elected to
26 the commission.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to the election or appointment to a county
31 magistrate appointing commission.

32 The bill allows the board of supervisors to appoint an
33 active law enforcement officer to serve as a commissioner
34 on a magistrate appointing commission. Currently, such an
35 appointment is prohibited.

LSB 5116HC (3) 85

-1-

jm/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 The bill also provides that a county attorney may be elected
2 to serve on a county magistrate appointing commission. Current
3 law prohibits a county attorney from being elected to the
4 commission.

5 The bill makes a commissioner of a county magistrate
6 appointment commission ineligible to vote for the appointment
7 or nomination of a current member of the commissioner's same
8 office. Current law provides that a commissioner is ineligible
9 to vote for the appointment or nomination of a family member,
10 current law partner, or current business partner.

11 A county magistrate commission appoints the magistrates
12 authorized for each county pursuant to Code section 602.6403.
13 A county magistrate commission consists of a district judge,
14 three commissioners appointed by the county supervisors, and
15 two commissioners elected by the attorneys residing in the
16 county.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 507 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the fees and expenses of a court appointed
2 attorney or guardian ad litem representing an indigent
3 person in a guardianship, conservatorship, or dissolution
4 proceeding.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5150YC (4) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 633.561, subsections 3 and 6, Code 2014,
2 are amended to read as follows:

3 3. If the proposed ward is entitled to representation and is
4 indigent or incapable of requesting ~~counsel~~ an attorney, the
5 court shall appoint an attorney to represent the proposed ward.
6 The cost of a court appointed ~~counsel~~ attorney for ~~indigents~~
7 an indigent shall be assessed against the county in which the
8 proceedings are pending. If the cost for the court appointed
9 attorney is assessed against the county, the fees and expenses
10 of the attorney shall be assessed at the same rates established
11 by the state public defender for an attorney appointed to
12 represent an indigent party in juvenile court under section
13 13B.4. For the purposes of this subsection, the court shall
14 find a person is indigent if the person's income and resources
15 do not exceed one hundred fifty percent of the federal poverty
16 level or the person would be unable to pay such costs without
17 prejudicing the person's financial ability to provide economic
18 necessities for the person or the person's dependents.

19 6. If the court determines that it would be in the ward's
20 best interest to have legal representation with respect to
21 any proceedings in a guardianship, the court may appoint an
22 attorney to represent the ward at the expense of the ward or
23 the ward's estate, or if the ward is indigent the cost of the
24 court appointed attorney shall be assessed against the county
25 in which the proceedings are pending. If the cost for the
26 court appointed attorney is assessed against the county, the
27 fees and expenses of the attorney shall be assessed at the same
28 rates established by the state public defender for an attorney
29 appointed to represent an indigent party in juvenile court
30 under section 13B.4.

31 Sec. 2. Section 633.575, subsections 3 and 6, Code 2014, are
32 amended to read as follows:

33 3. If the proposed ward is entitled to representation and is
34 indigent or incapable of requesting ~~counsel~~ an attorney, the
35 court shall appoint an attorney to represent the proposed ward.

LSB 5150YC (4) 85

-1-

jm/rj

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 The cost of court appointed ~~counsel~~ an attorney for ~~indigents~~
2 an indigent shall be assessed against the county in which the
3 proceedings are pending. If the cost for the court appointed
4 attorney is assessed against the county, the fees and expenses
5 of the attorney shall be assessed at the same rates established
6 by the state public defender for an attorney appointed to
7 represent an indigent party in juvenile court under section
8 13B.4. For the purposes of this subsection, the court may find
9 a person is indigent if the person's income and resources do
10 not exceed one hundred fifty percent of the federal poverty
11 level or the person would be unable to pay such costs without
12 prejudicing the person's financial ability to provide economic
13 necessities for the person or the person's dependents.

14 6. If the court determines that it would be in the ward's
15 best interest to have legal representation with respect to any
16 proceedings in a conservatorship, the court may appoint an
17 attorney to represent the ward at the expense of the ward or
18 the ward's estate, or if the ward is indigent the cost of the
19 court appointed attorney shall be assessed against the county
20 in which the proceedings are pending. If the cost for the
21 court appointed attorney is assessed against the county, the
22 fees and expenses of the attorney shall be assessed at the same
23 rates established by the state public defender for an attorney
24 appointed to represent an indigent party in juvenile court
25 under section 13B.4.

26 Sec. 3. Section 598.12, subsection 5, Code 2014, is amended
27 to read as follows:

28 5. The court shall enter an order in favor of the attorney,
29 the guardian ad litem, or an appropriate agency for fees and
30 disbursements, and the amount shall be charged against the
31 party responsible for court costs unless the court determines
32 that the party responsible for court costs is indigent, in
33 which event the fees and disbursements shall be borne by the
34 county. If the cost for the court appointed attorney or
35 guardian ad litem who is an attorney is borne by the county,

LSB 5150YC (4) 85

-2-

jm/rj

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 the fees and expenses of the attorney or guardian ad litem
2 shall be assessed at the same rates established by the state
3 public defender for an attorney appointed to represent an
4 indigent party in juvenile court under section 13B.4.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill relates to the fees and expenses of a court
9 appointed attorney or guardian ad litem representing an
10 indigent person in a guardianship, conservatorship, or
11 dissolution proceeding.

12 The bill specifies that if the cost for the court appointed
13 attorney is assessed against the county in both a guardianship
14 or conservatorship proceeding, the fees and expenses of the
15 attorney shall be assessed at the same rates established by the
16 state public defender for an attorney appointed to represent an
17 indigent party in juvenile court under Code section 13B.4.

18 Current law requires that the cost of a court appointed
19 attorney representing an indigent ward in a guardianship or
20 conservatorship proceeding be assessed against the county in
21 which the proceedings are pending but does not specify the rate
22 of compensation of the court appointed attorney.

23 The bill also specifies that if the cost for the court
24 appointed attorney or guardian ad litem who is an attorney is
25 borne by the county for representing the child of an indigent
26 person in a dissolution proceeding, the fees and expenses of
27 the attorney and guardian ad litem shall be assessed at the
28 same rates established by the state public defender for an
29 attorney appointed to represent an indigent party in juvenile
30 court under Code section 13B.4.

31 Current law requires that the cost of a court appointed
32 attorney or guardian ad litem representing a child of an
33 indigent party in a dissolution of marriage proceeding be
34 assessed against the county in which the proceedings are
35 pending but does not specify the rate of compensation of the

LSB 5150YC (4) 85

-3-

jm/rj

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 court appointed attorney or guardian ad litem.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 508 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to property tax assessment and taxation by
2 modifying requirements relating to property assessment
3 notices and equalization order notices and including
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5198YC (6) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 441.23, Code 2014, is amended to read as
2 follows:

3 **441.23 Notice of valuation.**

4 If there has been an increase or decrease in the valuation
5 of the property, or upon the written request of the person
6 assessed, the assessor shall, at the time of making the
7 assessment, inform the person assessed, in writing, of the
8 valuation put upon the taxpayer's property, and notify the
9 person, that if the person feels aggrieved, to contact the
10 assessor pursuant to section 441.30 or to appear before the
11 board of review and show why the assessment should be changed.
12 ~~However, if the valuation of a class of property is uniformly~~
13 ~~decreased, the assessor may notify the affected property owners~~
14 ~~by publication in the official newspapers of the county.~~ The
15 owners of real property shall be notified not later than April
16 1 of any adjustment of the real property assessment.

17 Sec. 2. Section 441.26, subsection 2, Code 2014, is amended
18 to read as follows:

19 2. The notice in ~~1981~~ and each odd-numbered year thereafter
20 shall contain a statement that the assessments are subject
21 to equalization pursuant to an order issued by the director
22 of revenue, that the county auditor shall give notice by
23 mail postmarked on or before October 15 ~~by publication in an~~
24 ~~official newspaper of general circulation to any class of~~
25 ~~property affected~~ to each property owner or taxpayer whose
26 valuation has been adjusted by the equalization order, and
27 that the board of review shall be in session from ~~October 15~~
28 November 10 to November 15 December 10 to hear protests of
29 affected property owners or taxpayers whose valuations have
30 been adjusted by the equalization order.

31 Sec. 3. Section 441.35, subsection 2, Code 2014, is amended
32 to read as follows:

33 2. In any year after the year in which an assessment has
34 been made of all of the real estate in any taxing district,
35 the board of review shall meet as provided in section 441.33,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 and where the board finds the same has changed in value, the
2 board shall revalue and reassess any part or all of the real
3 estate contained in such taxing district, and in such case,
4 the board shall determine the actual value as of January 1 of
5 the year of the revaluation and reassessment and compute the
6 taxable value thereof. If the assessment of any such property
7 is raised, or any property is added to the tax list by the
8 board, the clerk shall give notice in the manner provided in
9 section 441.36. ~~However, if the assessment of all property~~
10 ~~in any taxing district is raised, the board may instruct the~~
11 ~~clerk to give immediate notice by one publication in one of~~
12 ~~the official newspapers located in the taxing district, and~~
13 ~~such published notice shall take the place of the mailed notice~~
14 ~~provided for in section 441.36, but all other provisions of~~
15 ~~that section shall apply.~~ The decision of the board as to the
16 foregoing matters shall be subject to appeal to the property
17 assessment appeal board within the same time and in the same
18 manner as provided in section 441.37A and to the district court
19 within the same time and in the same manner as provided in
20 section 441.38.

21 Sec. 4. Section 441.37, subsection 3, Code 2014, is amended
22 to read as follows:

23 3. For assessment years beginning on or after January
24 1, 2014, the board of review may allow property owners or
25 aggrieved taxpayers who are dissatisfied with the owner's or
26 taxpayer's assessment to file a protest against such assessment
27 by electronic means. Electronic filing of assessment protests
28 may be authorized for the protest period that begins April 7,
29 the protest period that begins October 15, or both. Except
30 for the requirement that a protest be signed, all other
31 requirements of this section for an assessment protest to the
32 board of review shall apply to a protest filed electronically.
33 If electronic filing is authorized by the local board of
34 review, the availability of electronic filing shall be
35 clearly indicated on the assessment roll notice provided to

LSB 5198YC (6) 85
md/sc

2/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 the property owner or taxpayer and included in the ~~published~~
2 equalization order notice provided to the property owner or
3 taxpayer.

4 Sec. 5. Section 441.49, subsection 1, paragraph b, Code
5 2014, is amended to read as follows:

6 b. However, an assessing jurisdiction may request the
7 director to permit the use of an alternative method of
8 applying the equalization order to the property values in the
9 assessing jurisdiction, provided that the final valuation
10 shall be equivalent to the director's equalization order. The
11 assessing jurisdiction shall notify the county auditor of
12 the request for the use of an alternative method of applying
13 the equalization order and the director's disposition of the
14 request. The request to use an alternative method of applying
15 the equalization order, including procedures for notifying
16 affected property owners and appealing valuation adjustments,
17 shall be made within ten days from the date the county auditor
18 receives the equalization order and the valuation adjustments,
19 and appeal procedures shall be completed by ~~November 30~~
20 December 20 of the year of the equalization order. Compliance
21 with the provisions of section 441.21 is sufficient grounds
22 for the director to permit the use of an alternative method of
23 applying the equalization order.

24 Sec. 6. Section 441.49, subsections 2 and 4, Code 2014, are
25 amended to read as follows:

26 2. a. ~~On or before October 15 the~~ The county auditor
27 ~~shall cause to be published in official newspapers of general~~
28 ~~circulation~~ notify each property owner or taxpayer whose
29 valuation has been adjusted by the final equalization order
30 by mail postmarked on or before October 15. ~~The publication~~
31 individual notices mailed to each affected property owner or
32 taxpayer shall include, in type larger than the remainder of
33 the ~~publication notice~~, the following ~~statement~~ statements:

34 Assessed values are equalized by the department of revenue
35 every two years. Local taxing authorities determine the final

LSB 5198YC (6) 85

md/sc

3/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 tax levies and may reduce property tax rates to compensate
2 for any increase in valuation due to equalization. If you
3 are not satisfied that your assessment as adjusted by the
4 equalization order is correct, you may file a protest against
5 such assessment with the board of review on or after October
6 15, to and including November 15.

7 **b.** Failure to ~~publish~~ notify property owners or taxpayers
8 of the equalization order has no effect upon the validity of
9 the orders.

10 4. The local board of review shall reconvene in special
11 session from ~~October 15~~ November 10 to November 15 December 10
12 for the purpose of hearing the protests of affected property
13 owners or taxpayers within the jurisdiction of the board whose
14 valuation of property if adjusted pursuant to the equalization
15 order issued by the director of revenue will result in a
16 greater value than permitted under section 441.21. The board
17 of review shall accept protests only during the ~~first ten days~~
18 ~~following the date the local board of review reconvenes~~ period
19 of time from October 15 to and including November 15. The
20 board of review shall limit its review to only the timely filed
21 protests. The board of review may adjust all or a part of
22 the percentage increase ordered by the director of revenue by
23 adjusting the actual value of the property under protest to one
24 hundred percent of actual value. Any adjustment so determined
25 by the board of review shall not exceed the percentage increase
26 provided for in the director's equalization order. The
27 determination of the board of review on filed protests is
28 final, subject to appeal to the property assessment appeal
29 board. A final decision by the local board of review, or the
30 property assessment appeal board, if the local board's decision
31 is appealed, is subject to review by the director of revenue
32 for the purpose of determining whether the board's actions
33 substantially altered the equalization order. In making the
34 review, the director has all the powers provided in chapter
35 421, and in exercising the powers the director is not subject



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 to chapter 17A. Not later than fifteen days following the
2 adjournment of the board, the board of review shall submit to
3 the director of revenue, on forms prescribed by the director, a
4 report of all actions taken by the board of review during this
5 session.

6 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
7 3, shall not apply to this Act.

8 Sec. 8. APPLICABILITY. This Act applies to assessment years
9 beginning on or after January 1, 2015.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to property assessment and taxation by
14 modifying provisions relating to property assessment notices
15 and equalization order notices.

16 The bill strikes a provision in Code section 441.23 that
17 authorizes the local assessor, in lieu of individual taxpayer
18 notices, to provide notice to taxpayers by publication in the
19 official newspapers of the county if the valuation of a class
20 of property is uniformly decreased. The bill also strikes a
21 provision in Code section 441.35, subsection 2, that authorizes
22 the local board of review to provide notice to taxpayers by
23 publication in one of the official newspapers located in
24 the taxing district if the local board of review raises the
25 assessment of all property in a taxing district during the
26 local board of review's session in an even-numbered assessment
27 year.

28 Current Code law requires the department of revenue to, in
29 each odd-numbered year, order the equalization of the levels of
30 assessment of each class of property in the several assessing
31 jurisdictions by adding to or deducting from the valuation of
32 each class of property if the aggregate assessed valuation of
33 that class of property is at least 5 percent above or below the
34 valuation of that class of property statewide. Current Code
35 section 441.26 requires the county auditor to publish notice

LSB 5198YC (6) 85

-5-

md/sc

5/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 of the final equalization order in an official newspaper of
2 general circulation. The bill strikes the authority to provide
3 such notice by publication and instead requires the county
4 auditor to provide individual notices mailed to each property
5 owner or taxpayer whose valuation has been adjusted by the
6 equalization order. The bill provides that the notice shall
7 contain the statement currently required in published notices
8 and also requires that the notice contain a statement of the
9 owner's or taxpayer's ability to file a protest against an
10 assessment adjusted by the equalization order with the local
11 board of review.

12 The bill also modifies the period of time for taxpayer
13 protests of an equalization order and the dates of the local
14 board of review's session to hear such protests. Current law
15 allows such protests to be filed on or after October 15 to and
16 including October 25. The bill extends the period of time
17 for filing to November 15. The bill provides that the local
18 board of review's session to hear protests begins November
19 10, instead of October 15, and ends December 10, instead of
20 November 15. The bill also provides that the deadline for
21 completing the appeal procedures for equalizations implemented
22 by the assessing jurisdiction using an alternative method of
23 applying the equalization order is December 20 instead of
24 November 30.

25 The bill may include a state mandate as defined in Code
26 section 25B.3. The bill makes inapplicable Code section 25B.2,
27 subsection 3, which would relieve a political subdivision from
28 complying with a state mandate if funding for the cost of
29 the state mandate is not provided or specified. Therefore,
30 political subdivisions are required to comply with any state
31 mandate included in the bill.

32 The bill applies to assessment years beginning on or after
33 January 1, 2015.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 509 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to a magistrate acting as counsel for clients
2 within the jurisdiction of the magistrate.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5117HC (7) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 602.1605, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. If a magistrate who practices law appears as counsel
4 for a client in a matter that is within the jurisdiction of a
5 the magistrate, that matter shall be heard only by a district
6 judge or a district associate judge. A disqualification under
7 this section shall be had upon motion of the magistrate or of
8 any party, either orally or in writing, and the clerk of the
9 district court shall reassign the matter to a proper judicial
10 officer. If the matter involves a criminal or juvenile
11 delinquency proceeding the disqualification of a magistrate who
12 practices law shall be as provided in subsection 3.

13 Sec. 2. Section 602.1605, Code 2014, is amended by adding
14 the following new subsections:

15 NEW SUBSECTION. 3. A magistrate shall be disqualified from
16 appearing as counsel in any criminal or delinquency proceeding
17 in any court within the jurisdiction of the magistrate.

18 NEW SUBSECTION. 4. As used in this section, "*jurisdiction*
19 *of the magistrate*" means the magistrate's county of appointment
20 and any other county in which the magistrate regularly holds
21 court.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to a magistrate acting as counsel for
26 clients within the geographical jurisdiction of the magistrate.

27 The bill disqualifies a magistrate from appearing as counsel
28 in any criminal or delinquency proceeding in any court within
29 the geographical jurisdiction of the magistrate.

30 The bill defines "*jurisdiction of the magistrate*" to mean
31 the magistrate's county of appointment and any other county in
32 which the magistrate regularly holds court.

LSB 5117HC (7) 85

-1-

jm/rj

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 510 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to strip searches at a county jail or municipal
2 holding facility.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5114HC (4) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 804.30, subsection 1, unnumbered
2 paragraph 1, Code 2014, is amended to read as follows:
3 A person arrested for a scheduled violation or a simple
4 misdemeanor and who has not been committed to the general
5 population of a jail or municipal holding facility shall not
6 be subjected to a strip search unless there is ~~probable cause~~
7 reasonable suspicion to believe the person is concealing a
8 weapon or contraband. A strip search pursuant to this section
9 shall not be conducted except under all of the following
10 conditions:

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to strip searches of persons arrested for a
15 scheduled violation or simple misdemeanor.

16 Current law provides that a person arrested for a scheduled
17 violation or a simple misdemeanor shall not be subjected to
18 a strip search unless there is probable cause to believe the
19 person is concealing a weapon or contraband.

20 The bill modifies this provision to provide that a person
21 who has been arrested for a scheduled violation or a simple
22 misdemeanor and who has not been committed to the general
23 population of a jail or municipal holding facility shall not
24 be subjected to a strip search unless there is reasonable
25 suspicion to believe the person is concealing a weapon or
26 contraband.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 511 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to school corporations by changing the date of
2 the election of directors of local school districts, merged
3 areas, and area education agency boards.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5094YC (2) 85
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 39.2, subsection 4, paragraph c, Code
2 2014, is amended to read as follows:

3 c. For a school district or merged area, in the odd-numbered
4 year, the first Tuesday in February, the first Tuesday in
5 April, the last Tuesday in June, or the ~~second~~ first Tuesday
6 after the first Monday in September November. For a school
7 district or merged area, in the even-numbered year, the first
8 Tuesday in February, the first Tuesday in April, the second
9 Tuesday in September, or the first Tuesday in December.

10 Sec. 2. Section 260C.12, subsection 1, Code 2014, is amended
11 to read as follows:

12 1. The board of directors of the merged area shall organize
13 at the first regular meeting in ~~October~~ December following the
14 regular school election. Organization of the board shall be
15 effected by the election of a president and other officers from
16 the board membership as board members determine. The board
17 of directors shall appoint a secretary and a treasurer who
18 shall each give bond as prescribed in section 291.2 and who
19 shall each receive the salary determined by the board. The
20 secretary and treasurer shall perform duties under chapter 291
21 and additional duties the board of directors deems necessary.
22 However, the board may appoint one person to serve as the
23 secretary and treasurer. If one person serves as the secretary
24 and treasurer, only one bond is necessary for that person. The
25 frequency of meetings other than organizational meetings shall
26 be as determined by the board of directors but the president
27 or a majority of the members may call a special meeting at any
28 time.

29 Sec. 3. Section 260C.13, subsection 1, Code 2014, is amended
30 to read as follows:

31 1. The board of a merged area may change the number of
32 directors on the board and shall make corresponding changes
33 in the boundaries of director districts. Changes shall be
34 completed not later than ~~June~~ August 1 of the year of the
35 regular school election. As soon as possible after adoption

LSB 5094YC (2) 85

-1-

aw/sc

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 of the boundary changes, notice of changes in the director
2 district boundaries shall be submitted by the merged area to
3 the county commissioner of elections in all counties included
4 in whole or in part in the merged area.

5 Sec. 4. Section 273.8, subsection 2, paragraphs a and b,
6 Code 2014, are amended to read as follows:

7 a. Notice of the election shall be published by the area
8 education agency administrator not later than ~~July~~ September 15
9 of the odd-numbered year in at least one newspaper of general
10 circulation in the director district. The cost of publication
11 shall be paid by the area education agency.

12 b. A candidate for election to the area education agency
13 board shall file a statement of candidacy with the area
14 education agency secretary not later than ~~August~~ October 15 of
15 the odd-numbered year, on forms prescribed by the department
16 of education. The statement of candidacy shall include the
17 candidate's name, address, and school district. The list of
18 candidates shall be sent by the secretary of the area education
19 agency in ballot form by certified mail to the presidents of
20 the boards of directors of all school districts within the
21 director district not later than ~~September~~ November 1. In
22 order for the ballot to be counted, the ballot must be received
23 in the secretary's office by the end of the normal business
24 day on ~~September~~ November 30 or be clearly postmarked by an
25 officially authorized postal service not later than ~~September~~
26 November 29 and received by the secretary not later than noon
27 on the first Monday following ~~September~~ November 30.

28 Sec. 5. Section 273.8, subsection 4, paragraph a, Code 2014,
29 is amended to read as follows:

30 a. The board of directors of each area education agency
31 shall meet and organize at the first regular meeting in ~~October~~
32 December following the regular school election at a suitable
33 place designated by the president. Directors whose terms
34 commence at the organizational meeting shall qualify by taking
35 the oath of office required by section 277.28 at or before the

LSB 5094YC (2) 85

-2-

aw/sc

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 organizational meeting.

2 Sec. 6. Section 273.8, subsection 6, Code 2014, is amended
3 to read as follows:

4 6. *Change in directors.* The board of an area education
5 agency may change the number of directors on the board and
6 shall make corresponding changes in the boundaries of director
7 districts. Changes shall be completed not later than ~~July~~
8 September 1 of ~~a fiscal~~ the odd-numbered year for the director
9 district conventions to be held the following ~~September~~
10 November.

11 Sec. 7. Section 277.1, Code 2014, is amended to read as
12 follows:

13 277.1 Regular election.

14 The regular election shall be held biennially on the ~~second~~
15 first Tuesday after the first Monday in September November of
16 each odd-numbered year in each school district for the election
17 of officers of the district and merged area and for the purpose
18 of submitting to the voters any matter authorized by law.

19 Sec. 8. Section 277.20, Code 2014, is amended to read as
20 follows:

21 277.20 Canvassing returns.

22 1. ~~On the next Friday after~~ After the regular school
23 election, the county board of supervisors shall canvass the
24 returns made to the county commissioner of elections from
25 the several precinct polling places and the absentee ballot
26 counting board, ascertain the result of the voting with regard
27 to every matter voted upon and cause a record to be made
28 thereof, all as required by section 50.24. Special elections
29 held in school districts shall be canvassed at the time and in
30 the manner required by that section. The board shall declare
31 the results of the voting for members of boards of directors of
32 school corporations nominated pursuant to section 277.4, and
33 the commissioner shall at once issue a certificate of election
34 to each person declared elected. The board shall also declare
35 the results of the voting on any public question submitted to

LSB 5094YC (2) 85

-3-

aw/sc

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 the voters of a single school district, and the commissioner
2 shall certify the result as required by section 50.27.
3 2. The abstracts of the votes cast for members of the board
4 of directors of any merged area, and of the votes cast on any
5 public question submitted to the voters of any merged area,
6 shall be promptly certified by the commissioner to the county
7 commissioner of elections who is responsible under section 47.2
8 for conducting the elections held for that merged area.

9 **EXPLANATION**

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill changes the date of regular school elections
13 for local school districts, merged areas, and area education
14 agencies. The bill moves the date of the regular school
15 election from the second Tuesday in September in odd-numbered
16 years to the first Tuesday after the first Monday in November
17 of odd-numbered years, which is the date of the regular city
18 election.

19 Because area education agency board directors are elected at
20 the director district conventions by members of school boards,
21 the bill also changes the date of their election from September
22 to November in the odd-numbered year.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 512 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act allowing private employers to grant a preference in
2 hiring and promotion to veterans and certain spouses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5375YC (3) 85
aw/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. NEW SECTION. 216.6B Veterans preference
2 permitted.

3 1. A private employer may grant preference in hiring and
4 promotion to an individual who is a veteran, as defined in
5 section 35.1.

6 2. a. A private employer may grant preference in hiring
7 and promotion to the spouse of a veteran, as defined in
8 section 35.1, who has sustained a permanent, compensable
9 service-connected disability as adjudicated by the United
10 States veterans administration or by the retirement board of
11 one of the armed forces of the United States.

12 b. A private employer may grant preference in hiring and
13 promotion to the surviving spouse of a deceased member of the
14 United States armed forces who died while serving on active
15 duty during a time of military conflict or who died as a result
16 of such service.

17 3. The hiring and promotion preferences allowable
18 under this section shall only be granted if consistent with
19 applicable federal laws and regulations.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill allows private employers to grant a preference in
24 hiring and promotion to veterans and certain veterans' spouses.

25 The bill specifically permits private employers to grant
26 a preference in hiring and promotion to veterans as defined
27 in the Iowa department of veterans affairs law. Private
28 employers are also allowed to grant such preferences to the
29 spouse of a veteran who has sustained a permanent, compensable
30 service-connected disability as adjudicated by the United
31 States veterans administration or by the retirement board of
32 one of the armed forces of the United States. These employers
33 may also grant such preferences to the surviving spouse of a
34 deceased member of the United States armed forces who died
35 while serving on active duty during a time of military conflict

LSB 5375YC (3) 85

-1-

aw/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 or who died as a result of such service. The bill only permits
2 employers to grant such preferences as far as is consistent
3 with federal laws and regulations.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 513 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act relating to permits to acquire and members of the armed
2 forces of the United States or this state serving on active
3 duty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5459YC (4) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 724.15, subsection 2, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. f. The person is a member of the armed
4 forces of the United States or this state serving on federal
5 active duty, state active duty, or national guard duty, as
6 defined in section 29A.1.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 Under current law, a person who desires to acquire ownership
11 of any pistol or revolver is required to first obtain an annual
12 permit to acquire (purchase) and the person must meet certain
13 requirements and pay an annual fee. A person may be exempt
14 from this requirement if the person transferring the pistol
15 or revolver and the person acquiring the pistol or revolver
16 are licensed federal firearms dealers; the pistol or revolver
17 acquired is an antique firearm, a collector's item, a device
18 which is not designed or redesigned for use as a weapon,
19 a device which is designed solely for use as a signaling,
20 pyrotechnic, line-throwing, safety, or similar device, or a
21 firearm which is unserviceable by reason of being unable to
22 discharge a shot by means of an explosive and is incapable
23 of being readily restored to a firing condition; the person
24 acquiring the pistol or revolver is authorized to do so on
25 behalf of a law enforcement agency; transfers between certain
26 close relatives unless the person transferring the pistol
27 or revolver knows that the person acquiring the pistol or
28 revolver in this situation would otherwise be disqualified from
29 receiving a permit to acquire; or the person has obtained a
30 valid permit to carry weapons.

31 This bill adds a person who is a member of the armed forces
32 of the United States or this state serving on federal active
33 duty, state active duty, or national guard duty to this list
34 of exemptions.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

House Study Bill 514 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BYRNES)

A BILL FOR

1 An Act increasing the rate of the excise taxes on motor
2 fuel and certain special fuel used in motor vehicles
3 and providing for the use of revenues resulting from the
4 increase.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5606YC (4) 85
dea/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 Section 1. Section 312.2, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 18. a. The treasurer of state, before
4 making the allotments provided for in this section, shall
5 credit monthly from the road use tax fund to the TIME-21 fund
6 created in section 312A.2 the revenue accruing to the road use
7 tax fund from the excise tax on motor fuel and special fuel for
8 diesel engines of motor vehicles in the amount equal to the
9 revenues collected as follows:
10 (1) For the period beginning July 1, 2014, and ending June
11 30, 2015, the following amounts:
12 (a) The amount of excise tax collected under section 452A.3,
13 subsection 1, paragraph "b", from three cents per gallon.
14 (b) The amount of excise tax collected under section 452A.3,
15 subsection 3, paragraph "b", subparagraph (1), from three cents
16 per gallon.
17 (2) For the period beginning July 1, 2015, and ending June
18 30, 2016, the following amounts:
19 (a) The amount of excise tax collected under section 452A.3,
20 subsection 1, paragraph "c", from six cents per gallon.
21 (b) The amount of excise tax collected under section 452A.3,
22 subsection 3, paragraph "b", subparagraph (2), from six cents
23 per gallon.
24 (3) Beginning July 1, 2016, the following amounts:
25 (a) The amount of excise tax collected under section 452A.3,
26 subsection 1, paragraph "d", or, after June 30, 2024, under
27 section 452A.3, subsection 1A, from ten cents per gallon.
28 (b) The amount of excise tax collected under section 452A.3,
29 subsection 3, paragraph "b", subparagraph (3), from ten cents
30 per gallon.
31 b. This subsection is repealed June 30, 2028.
32 Sec. 2. Section 452A.3, subsections 1 and 1A, Code 2014, are
33 amended to read as follows:
34 1. Except as otherwise provided in this section and in this
35 division, until June 30, ~~2014~~ 2024, this subsection shall apply

LSB 5606YC (4) 85

-1-

dea/sc

1/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 to the excise tax imposed on each gallon of motor fuel used for
2 any purpose for the privilege of operating motor vehicles in
3 this state.

4 a. The rate of the excise tax shall be based on the number
5 of gallons of ethanol blended gasoline that is distributed
6 in this state as expressed as a percentage of the number of
7 gallons of motor fuel distributed in this state, which is
8 referred to as the distribution percentage. For purposes of
9 this subsection, only ethanol blended gasoline and nonblended
10 gasoline, not including aviation gasoline, shall be used in
11 determining the percentage basis for the excise tax. The
12 department shall determine the percentage basis for each
13 determination period beginning January 1 and ending December
14 31. The rate for the excise tax shall apply for the period
15 beginning July 1 and ending June 30 following the end of the
16 determination period.

17 b. ~~The~~ For the period beginning July 1, 2014, and ending
18 June 30, 2015, the rate for the excise tax shall be as follows:

19 (1) If the distribution percentage is not greater than
20 fifty percent, the rate shall be ~~nineteen~~ twenty-two cents for
21 ethanol blended gasoline and ~~twenty~~ twenty-three cents for
22 motor fuel other than ethanol blended gasoline.

23 (2) If the distribution percentage is greater than fifty
24 percent but not greater than fifty-five percent, the rate shall
25 be ~~nineteen~~ twenty-two cents for ethanol blended gasoline and
26 ~~twenty~~ twenty-three and one-tenth cents for motor fuel other
27 than ethanol blended gasoline.

28 (3) If the distribution percentage is greater than
29 fifty-five percent but not greater than sixty percent, the rate
30 shall be ~~nineteen~~ twenty-two cents for ethanol blended gasoline
31 and ~~twenty~~ twenty-three and three-tenths cents for motor fuel
32 other than ethanol blended gasoline.

33 (4) If the distribution percentage is greater than sixty
34 percent but not greater than sixty-five percent, the rate shall
35 be ~~nineteen~~ twenty-two cents for ethanol blended gasoline and

LSB 5606YC (4) 85

-2-

dea/sc

2/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 ~~twenty~~ twenty-three and five-tenths cents for motor fuel other
2 than ethanol blended gasoline.

3 (5) If the distribution percentage is greater than
4 sixty-five percent but not greater than seventy percent, the
5 rate shall be ~~nineteen~~ twenty-two cents for ethanol blended
6 gasoline and ~~twenty~~ twenty-three and seven-tenths cents for
7 motor fuel other than ethanol blended gasoline.

8 (6) If the distribution percentage is greater than seventy
9 percent but not greater than seventy-five percent, the rate
10 shall be ~~nineteen~~ twenty-two cents for ethanol blended gasoline
11 and ~~twenty-one~~ twenty-four cents for motor fuel other than
12 ethanol blended gasoline.

13 (7) If the distribution percentage is greater than
14 seventy-five percent but not greater than eighty percent,
15 the rate shall be ~~nineteen~~ twenty-two and three-tenths cents
16 for ethanol blended gasoline and ~~twenty~~ twenty-three and
17 eight-tenths cents for motor fuel other than ethanol blended
18 gasoline.

19 (8) If the distribution percentage is greater than eighty
20 percent but not greater than eighty-five percent, the rate
21 shall be ~~nineteen~~ twenty-two and five-tenths cents for ethanol
22 blended gasoline and ~~twenty~~ twenty-three and seven-tenths cents
23 for motor fuel other than ethanol blended gasoline.

24 (9) If the distribution percentage is greater than
25 eighty-five percent but not greater than ninety percent, the
26 rate shall be ~~nineteen~~ twenty-two and seven-tenths cents
27 for ethanol blended gasoline and ~~twenty~~ twenty-three and
28 four-tenths cents for motor fuel other than ethanol blended
29 gasoline.

30 (10) If the distribution percentage is greater than ninety
31 percent but not greater than ninety-five percent, the rate
32 shall be ~~nineteen~~ twenty-two and nine-tenths cents for ethanol
33 blended gasoline and ~~twenty~~ twenty-three and one-tenth cents
34 for motor fuel other than ethanol blended gasoline.

35 (11) If the distribution percentage is greater than

LSB 5606YC (4) 85
dea/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 ninety-five percent, the rate shall be ~~twenty~~ twenty-three
2 cents for ethanol blended gasoline and ~~twenty~~ twenty-three
3 cents for motor fuel other than ethanol blended gasoline.

4 c. For the period beginning July 1, 2015, and ending June
5 30, 2016, the rate for the excise tax shall be as follows:

6 (1) If the distribution percentage is not greater than
7 fifty percent, the rate shall be twenty-five cents for ethanol
8 blended gasoline and twenty-six cents for motor fuel other than
9 ethanol blended gasoline.

10 (2) If the distribution percentage is greater than fifty
11 percent but not greater than fifty-five percent, the rate
12 shall be twenty-five cents for ethanol blended gasoline and
13 twenty-six and one-tenth cents for motor fuel other than
14 ethanol blended gasoline.

15 (3) If the distribution percentage is greater than
16 fifty-five percent but not greater than sixty percent, the rate
17 shall be twenty-five cents for ethanol blended gasoline and
18 twenty-six and three-tenths cents for motor fuel other than
19 ethanol blended gasoline.

20 (4) If the distribution percentage is greater than sixty
21 percent but not greater than sixty-five percent, the rate
22 shall be twenty-five cents for ethanol blended gasoline and
23 twenty-six and five-tenths cents for motor fuel other than
24 ethanol blended gasoline.

25 (5) If the distribution percentage is greater than
26 sixty-five percent but not greater than seventy percent, the
27 rate shall be twenty-five cents for ethanol blended gasoline
28 and twenty-six and seven-tenths cents for motor fuel other than
29 ethanol blended gasoline.

30 (6) If the distribution percentage is greater than seventy
31 percent but not greater than seventy-five percent, the rate
32 shall be twenty-five cents for ethanol blended gasoline and
33 twenty-seven cents for motor fuel other than ethanol blended
34 gasoline.

35 (7) If the distribution percentage is greater than

LSB 5606YC (4) 85
dea/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 seventy-five percent but not greater than eighty percent, the
2 rate shall be twenty-five and three-tenths cents for ethanol
3 blended gasoline and twenty-six and eight-tenths cents for
4 motor fuel other than ethanol blended gasoline.

5 (8) If the distribution percentage is greater than eighty
6 percent but not greater than eighty-five percent, the rate
7 shall be twenty-five and five-tenths cents for ethanol blended
8 gasoline and twenty-six and seven-tenths cents for motor fuel
9 other than ethanol blended gasoline.

10 (9) If the distribution percentage is greater than
11 eighty-five percent but not greater than ninety percent, the
12 rate shall be twenty-five and seven-tenths cents for ethanol
13 blended gasoline and twenty-six and four-tenths cents for motor
14 fuel other than ethanol blended gasoline.

15 (10) If the distribution percentage is greater than ninety
16 percent but not greater than ninety-five percent, the rate
17 shall be twenty-five and nine-tenths cents for ethanol blended
18 gasoline and twenty-six and one-tenth cents for motor fuel
19 other than ethanol blended gasoline.

20 (11) If the distribution percentage is greater than
21 ninety-five percent, the rate shall be twenty-six cents for
22 ethanol blended gasoline and twenty-six cents for motor fuel
23 other than ethanol blended gasoline.

24 d. For the period beginning July 1, 2016, and ending June
25 30, 2024, the rate for the excise tax shall be as follows:

26 (1) If the distribution percentage is not greater than
27 fifty percent, the rate shall be twenty-nine cents for ethanol
28 blended gasoline and thirty cents for motor fuel other than
29 ethanol blended gasoline.

30 (2) If the distribution percentage is greater than fifty
31 percent but not greater than fifty-five percent, the rate shall
32 be twenty-nine cents for ethanol blended gasoline and thirty
33 and one-tenth cents for motor fuel other than ethanol blended
34 gasoline.

35 (3) If the distribution percentage is greater than

LSB 5606YC (4) 85
dea/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 fifty-five percent but not greater than sixty percent, the rate
2 shall be twenty-nine cents for ethanol blended gasoline and
3 thirty and three-tenths cents for motor fuel other than ethanol
4 blended gasoline.

5 (4) If the distribution percentage is greater than sixty
6 percent but not greater than sixty-five percent, the rate shall
7 be twenty-nine cents for ethanol blended gasoline and thirty
8 and five-tenths cents for motor fuel other than ethanol blended
9 gasoline.

10 (5) If the distribution percentage is greater than
11 sixty-five percent but not greater than seventy percent, the
12 rate shall be twenty-nine cents for ethanol blended gasoline
13 and thirty and seven-tenths cents for motor fuel other than
14 ethanol blended gasoline.

15 (6) If the distribution percentage is greater than seventy
16 percent but not greater than seventy-five percent, the rate
17 shall be twenty-nine cents for ethanol blended gasoline and
18 thirty-one cents for motor fuel other than ethanol blended
19 gasoline.

20 (7) If the distribution percentage is greater than
21 seventy-five percent but not greater than eighty percent, the
22 rate shall be twenty-nine and three-tenths cents for ethanol
23 blended gasoline and thirty and eight-tenths cents for motor
24 fuel other than ethanol blended gasoline.

25 (8) If the distribution percentage is greater than eighty
26 percent but not greater than eighty-five percent, the rate
27 shall be twenty-nine and five-tenths cents for ethanol blended
28 gasoline and thirty and seven-tenths cents for motor fuel other
29 than ethanol blended gasoline.

30 (9) If the distribution percentage is greater than
31 eighty-five percent but not greater than ninety percent, the
32 rate shall be twenty-nine and seven-tenths cents for ethanol
33 blended gasoline and thirty and four-tenths cents for motor
34 fuel other than ethanol blended gasoline.

35 (10) If the distribution percentage is greater than ninety

LSB 5606YC (4) 85
dea/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 percent but not greater than ninety-five percent, the rate
2 shall be twenty-nine and nine-tenths cents for ethanol blended
3 gasoline and thirty and one-tenth cents for motor fuel other
4 than ethanol blended gasoline.

5 (11) If the distribution percentage is greater than
6 ninety-five percent, the rate shall be thirty cents for ethanol
7 blended gasoline and thirty cents for motor fuel other than
8 ethanol blended gasoline.

9 1A. Except as otherwise provided in this section and in this
10 division, after June 30, 2014 2024, an excise tax of ~~twenty~~
11 thirty cents is imposed on each gallon of motor fuel used for
12 any purpose for the privilege of operating motor vehicles in
13 this state.

14 Sec. 3. Section 452A.3, subsection 3, Code 2013, is amended
15 to read as follows:

16 3. a. For the privilege of operating motor vehicles or
17 aircraft in this state, there is imposed an excise tax on the
18 use of special fuel in a motor vehicle or aircraft. ~~The~~

19 b. (1) For the period beginning July 1, 2014, and ending
20 June 30, 2015, the tax rate on special fuel for diesel engines
21 of motor vehicles other than biodiesel blended fuel classified
22 as B-10 or higher is ~~twenty-two~~ twenty-five and one-half cents
23 per gallon.

24 (2) For the period beginning July 1, 2015, and ending June
25 30, 2016, the tax rate on special fuel for diesel engines of
26 motor vehicles other than biodiesel blended fuel classified as
27 B-10 or higher is twenty-eight and one-half cents per gallon.

28 (3) After June 30, 2016, the tax rate on special fuel for
29 diesel engines of motor vehicles other than biodiesel blended
30 fuel classified as B-10 or higher is thirty-two and one-half
31 cents per gallon.

32 (4) The tax rate on biodiesel blended fuel classified
33 as B-10 or higher for diesel engines of motor vehicles is
34 twenty-two and one-half cents per gallon.

35 (5) The rate of tax on special fuel for aircraft is three

LSB 5606YC (4) 85
dea/sc

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014**

H.F. _____

1 cents per gallon.

2 (6) On all other special fuel, unless otherwise specified in
3 this section, the per gallon rate is the same as the motor fuel
4 tax.

5 c. Indelible dye meeting United States environmental
6 protection agency and internal revenue service regulations must
7 be added to fuel before or upon withdrawal at a terminal or
8 refinery rack for that fuel to be exempt from tax and the dyed
9 fuel may be used only for an exempt purpose.

10 Sec. 4. APPLICABILITY — INVENTORY TAX. Notwithstanding
11 section 452A.85, persons who have title to motor fuel, ethanol
12 blended gasoline, undyed special fuel, compressed natural gas,
13 or liquefied petroleum gas in storage and held for sale on
14 the effective date of an increase in the rate of excise tax
15 imposed on motor fuel, ethanol blended gasoline, or special
16 fuel pursuant to this Act shall not be subject to an inventory
17 tax on the gallonage in storage as provided in section 452A.85
18 as a result of the tax increases provided in this Act.

EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill contains provisions relating to the excise taxes
23 on motor fuel and certain special fuel used in motor vehicles.

24 The bill increases the rate of the excise taxes on motor
25 fuel and special fuel for diesel engines of motor vehicles,
26 other than biodiesel blended fuel classified as B-10 or
27 higher, by three cents beginning July 1, 2014, by an additional
28 three cents beginning July 1, 2015, and by an additional four
29 cents beginning July 1, 2016. The additional revenues shall
30 be credited to the TIME-21 fund, subject to the statutory
31 limitation on annual deposits to that fund. After the repeal
32 of the TIME-21 fund on June 30, 2028, the revenues will accrue
33 to the road use tax fund.

34 The bill provides that the distribution percentage formula
35 for determining the difference in the excise tax imposed on

LSB 5606YC (4) 85
dea/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

H.F. _____

1 ethanol blended gasoline and motor fuel other than ethanol
2 blended gasoline, which is due to expire on June 30, 2014, is
3 extended until June 30, 2024.

4 Pursuant to current law, when the rate of excise tax on
5 motor fuel, ethanol blended gasoline, undyed special fuel,
6 compressed natural gas, or liquefied petroleum gas is increased
7 by more than one-half cent per gallon, a person who has title
8 to such fuel held in storage for eventual sale is subject to an
9 inventory tax based on the gallonage in storage at the close of
10 the business day preceding the effective date of the increase.
11 The bill waives that requirement by stating that the inventory
12 tax shall not be imposed as a result of the tax increases
13 provided in the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate File 2018 - Introduced

SENATE FILE 2018
BY DVORSKY

A BILL FOR

1 An Act concerning school instructional days and including
2 effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5221XS (7) 85
je/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2018

1 Section 1. Section 256.7, subsection 19, Code 2013, as
2 amended by 2013 Iowa Acts, chapter 121, section 79, is amended
3 to read as follows:

4 19. Define For a school or school district with a school
5 calendar measuring instructional time in days pursuant to
6 section 279.10, subsection 1, define the minimum school day as
7 a day consisting of six hours of instructional days or time
8 for grades one through twelve. The minimum hours as time that
9 shall be exclusive of the lunch period, but may include passing
10 time between classes. Time spent on parent-teacher conferences
11 shall be considered instructional time. A school or school
12 district may record a day of school with less than the minimum
13 instructional hours as a minimum school day if any of the
14 following apply:

15 a. If emergency health or safety factors require the late
16 arrival or early dismissal of students on a specific day.

17 b. If the total hours of instructional school time for
18 grades one through twelve for any five consecutive school
19 days equal a minimum of thirty hours, even though any one
20 day of school is less than the minimum instructional hours
21 because of a staff development opportunity provided for the
22 professional instructional staff or because parent-teacher
23 conferences have been scheduled beyond the regular school day.
24 Furthermore, if the total hours of instructional time for the
25 first four consecutive days equal at least thirty hours because
26 parent-teacher conferences have been scheduled beyond the
27 regular school day, a school or school district may record zero
28 hours of instructional time on the fifth consecutive school day
29 as a minimum school day.

30 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
31 immediate importance, takes effect upon enactment.

32 Sec. 3. APPLICABILITY. This Act applies to school years
33 beginning on or after July 1, 2014.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

LSB 5221XS (7) 85

-1-

je/rj

1/2



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014**

S.F. 2018

1 the explanation's substance by the members of the general assembly.

2 This bill restores language struck by 2013 Iowa Acts,
3 chapter 121 (House File 215) that permits a school or school
4 district with a school calendar measuring instructional
5 time in days to record a day of school with less than the
6 minimum instructional hours as a minimum school day for
7 emergency health or safety factors and for staff development
8 opportunities and parent-teacher conferences. However, the
9 bill provides that a minimum school day shall consist of six
10 hours of instructional time.

11 The bill takes effect upon enactment.

12 The bill applies to school years beginning on or after July
13 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate File 2019 - Introduced

SENATE FILE 2019
BY PETERSEN

A BILL FOR

1 An Act relating to the use of restraints against a pregnant
2 inmate or detainee, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5391XS (4) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2019

1 Section 1. LEGISLATIVE FINDINGS. The general assembly
2 finds all of the following:
3 1. There are serious known medical risks associated with the
4 use of restraints on pregnant women.
5 2. The vast majority of female inmates or detainees in this
6 state are nonviolent offenders.
7 3. Restraining pregnant prison inmates increases the
8 potential for physical harm from an accidental trip or fall.
9 4. Freedom from physical restraints is especially critical
10 during labor, delivery, and postpartum recovery after delivery,
11 because a woman often needs to move around during labor and
12 recovery.
13 5. Restraints on a pregnant woman can interfere with the
14 ability of medical staff to appropriately assist in childbirth
15 or to conduct sudden emergency procedures.
16 Sec. 2. NEW SECTION. 904.1001 Definitions.
17 As used in this division, unless the context otherwise
18 requires:
19 1. "*Correctional institution*" means any state correctional
20 institution under this chapter, county jail or municipal
21 holding facility under chapter 356, county detention facility
22 under chapter 356A, or other detention facility that is used to
23 detain or restrain a person, including a juvenile, under the
24 laws of this state or the United States.
25 2. "*Corrections officer*" means the official who is
26 responsible for oversight of a correctional institution or the
27 official's designee.
28 3. "*Detainee*" means any adult or juvenile person detained or
29 restrained under the immigration laws of the United States at
30 any correctional institution.
31 4. "*Inmate*" means any adult or juvenile person incarcerated
32 or detained in a correctional institution who is accused
33 of, convicted or adjudicated guilty of, or sentenced for, a
34 criminal or immigration law violation including persons on
35 probation, parole, or pretrial release, or in any diversionary

LSB 5391XS (4) 85

-1-

jm/nh

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2019

1 program.

2 5. "*Labor*" means the period of time before a birth during
3 which contractions are of sufficient frequency, intensity, and
4 duration to bring about effacement and progressive dilation of
5 the cervix.

6 6. "*Postpartum recovery*" means, as determined by the
7 attending physician, the period immediately following delivery,
8 including the entire period a woman is in the hospital or
9 infirmary after birth.

10 7. "*Restraint*" means any physical restraint or mechanical
11 device used to control the body or limb movement of an inmate
12 or detainee, including but not limited to flex cuffs, soft
13 restraints, hard metal handcuffs, a black box, chubb cuffs, leg
14 irons, belly chains, a security chain, or a convex shield.

15 Sec. 3. NEW SECTION. 904.1002 **Restraint of pregnant inmates**
16 **or detainees.**

17 1. A correctional institution shall not use restraints on
18 an inmate or detainee known to be pregnant, including during
19 labor, delivery, or postpartum recovery, unless any of the
20 following apply:

21 a. The inmate or detainee refuses to undergo a urine-based
22 pregnancy test, if not visibly pregnant.

23 b. The inmate has been confined for less than twenty-four
24 hours at a correctional institution other than a state
25 correctional institution.

26 c. A corrections officer makes an individualized
27 determination that the use of a restraint on the inmate or
28 detainee is necessary due to an extraordinary medical or
29 security circumstance described under subsection 2.

30 2. A corrections officer may make an individualized
31 determination that use of a restraint is necessary for a
32 pregnant inmate or detainee because the inmate or detainee is a
33 substantial flight risk or some other extraordinary medical or
34 security circumstance dictates the use of restraints to ensure
35 the safety and security of the inmate or detainee, the staff of

LSB 5391XS (4) 85

-2-

jm/nh

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2019

1 the correctional institution or medical facility, the general
2 public, or other inmates or detainees.

3 3. Notwithstanding subsections 1 and 2, restraints shall
4 not be used under the following circumstances:

5 a. If a physician, nurse, or other health professional
6 treating the inmate or detainee requests the restraints not be
7 used. If such a request is made pursuant to this paragraph,
8 the corrections officer accompanying the inmate or detainee
9 shall immediately remove the restraints, unless the corrections
10 officer determines that removing the restraints would pose an
11 imminent extraordinary security circumstance described under
12 subsection 2.

13 b. If the correctional institution has actual and
14 constructive knowledge of the pregnancy and the inmate or
15 detainee is in at least the twenty-first week of pregnancy.
16 However, in such circumstances leg or waist restraints may be
17 used under the direction of the physician, nurse, or other
18 health professional treating the inmate or detainee.

19 c. During labor or childbirth.

20 4. If a corrections officer is requested to be present
21 in the birthing room during the labor or childbirth, the
22 corrections officer shall be female if practicable.

23 5. a. If a restraint is used pursuant to this section, the
24 restraint used shall be used in the least restrictive manner.

25 b. A corrections officer making the determination to use a
26 restraint pursuant to this section shall make written findings
27 within ten days of the decision to use such a restraint. The
28 findings shall be kept for at least five years and are public
29 records, except no individually identifying information of an
30 inmate or detainee shall be made public without the written
31 consent of the inmate or detainee.

32 Sec. 4. NEW SECTION. 904.1003 **Transportation of a pregnant**
33 **inmate or detainee.**

34 A correctional institution shall use a wheelchair to
35 transport a known pregnant inmate or detainee to or from a

LSB 5391XS (4) 85

-3-

jm/nh

3/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2019

1 transport vehicle or to or from any appointment unless directed
2 otherwise by the physician, nurse, or other health professional
3 treating the inmate or detainee.

4 Sec. 5. NEW SECTION. 904.1004 Birth plan.

5 1. A correctional institution shall develop a birth
6 plan with a known pregnant inmate or detainee if the inmate
7 or detainee is likely to be confined at the correctional
8 institution during the childbirth. The birth plan shall
9 include a support person designated by the inmate or detainee
10 who may be present in the birthing room with the inmate or
11 detainee during labor and childbirth.

12 2. The correctional institution may, for good cause, reject
13 the support person designated in the birth plan from being
14 present in the birthing room. If the correctional institution
15 rejects the support person, the correctional institution shall
16 specify the reasons for rejecting the support person in writing
17 to the inmate or detainee as soon as possible if practicable
18 under the circumstances, in order to allow the inmate or
19 detainee to designate a new support person to be present in the
20 birthing room.

21 Sec. 6. NEW SECTION. 904.1005 Damages.

22 In addition to any other remedy authorized by law, a
23 correctional institution that restrains an inmate or detainee
24 in violation of this division may be liable for civil damages
25 and reasonable attorney fees and costs.

26 Sec. 7. NEW SECTION. 904.1006 Report.

27 The department of corrections, in conjunction with the
28 other entities supervising inmates and detainees in the state,
29 shall file a report with the general assembly by August 1 of
30 each fiscal year, detailing every instance in which restraints
31 were used on a pregnant inmate or detainee pursuant to this
32 division. The report shall not contain personal identifying
33 information of any inmate or detainee.

34 Sec. 8. RULES. The department of corrections, in
35 conjunction with other entities supervising inmates and

LSB 5391XS (4) 85

-4-

jm/nh

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2019

1 detainees in the state, and after reviewing the most current
2 accepted medical practices and standards relating to pregnant
3 women, shall commence rulemaking for the implementation and
4 administration of this Act within sixty days of the effective
5 date of this Act. The department shall not adopt emergency
6 rules under section 17A.4, subsection 3, or section 17A.5,
7 subsection 2, paragraph "b", to implement the provisions of
8 this Act.

9 Sec. 9. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to the use of restraints on a pregnant
15 inmate or detainee.

16 The bill defines "correctional institution" to mean any
17 state correctional institution, county jail, municipal holding
18 facility, county detention facility, or other detention
19 facility that is used to detain or restrain a person, including
20 a juvenile, under the laws of this state or the United States.

21 The bill defines "inmate" to mean any adult or juvenile
22 person incarcerated or detained in a correctional institution
23 who is accused of, convicted or adjudicated guilty of, or
24 sentenced for, a criminal or immigration law violation
25 including persons on probation, parole, or pretrial release,
26 or in any diversionary program.

27 The bill defines "detainee" to mean any adult or juvenile
28 person detained or restrained under the immigration laws of the
29 United States at any correctional institution.

30 The bill prohibits a correctional institution from using
31 a restraint on an inmate or detainee known to be pregnant,
32 including during labor, delivery, or postpartum recovery,
33 unless any of the following apply: the inmate or detainee
34 refuses to undergo a urine-based pregnancy test, if not visibly
35 pregnant; the inmate has been confined for less than 24 hours

LSB 5391XS (4) 85

-5-

jm/nh

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2019

1 at a correctional institution other than a state correctional
2 institution; or a corrections officer makes an individualized
3 determination that the use of a restraint on a pregnant inmate
4 or detainee is necessary due to an extraordinary circumstance.

5 A corrections officer may make an individualized
6 determination under the bill if any of the following
7 extraordinary circumstances apply: the inmate or detainee is
8 a substantial flight risk or some other medical or security
9 circumstance dictates the use of restraints to ensure the
10 safety and security of the inmate or other persons.

11 The bill prohibits the use of restraints on a pregnant
12 inmate or detainee under the following circumstances: when
13 medical personnel request the restraints not be used, unless a
14 corrections officer determines the inmate or detainee poses an
15 imminent security risk; when the correctional institution has
16 actual knowledge of the pregnancy and the inmate or detainee
17 is in at least the twenty-first week of pregnancy, except leg
18 or waist restraints may be used under the direction of medical
19 personnel; or during labor or childbirth. If a corrections
20 officer makes a determination that restraints be used because
21 the inmate poses an imminent security risk, the bill requires
22 the correctional officer to make written findings within 10
23 days of the decision to use the restraints.

24 The bill requires a correctional institution to use a
25 wheelchair to transport a known pregnant inmate or detainee
26 to or from a transport vehicle or to or from any appointment,
27 unless otherwise directed by medical personnel.

28 The bill requires the correctional institution to develop
29 a birth plan with a known pregnant inmate or detainee if the
30 inmate or detainee is likely to be confined at the institution
31 during the childbirth. The plan shall include a support person
32 designated by the inmate or detainee who may be present in the
33 birthing room with the inmate or detainee during labor and
34 childbirth. The bill permits the correctional institution to
35 reject, for good cause, the support person from being present

LSB 5391XS (4) 85

-6-

jm/nh

6/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2019

1 in the birthing room. If the correctional institution rejects
2 the presence of the support person in the birthing room, the
3 bill allows the inmate or detainee to designate another support
4 person if practicable under the circumstances.

5 The bill specifies that in addition to any other remedy
6 authorized by law, a correctional institution that restrains an
7 inmate or detainee in violation of the bill may be liable for
8 civil damages and reasonable attorney fees.

9 The bill requires the department of corrections, in
10 conjunction with the other entities supervising inmates and
11 detainees in the state, to file a report with the general
12 assembly by August 1 of each fiscal year, detailing every
13 instance in which restraints were used on a pregnant inmate or
14 detainee pursuant to the bill. The report shall not contain
15 personal identifying information of any inmate or detainee.

16 The bill requires the department of corrections and other
17 entities supervising inmates and detainees to commence
18 rulemaking after reviewing the latest accepted medical
19 practices and standards relating to pregnant women, within 60
20 days of the effective date of the bill. The bill specifically
21 prohibits the adoption of emergency rules.

22 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate File 2020 - Introduced

SENATE FILE 2020
BY MCCOY

A BILL FOR

1 An Act increasing penalties for animal neglect.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5447XS (3) 85
da/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2020

1 Section 1. Section 717B.3, subsection 3, Code 2014, is
2 amended to read as follows:
3 3. A person who negligently or intentionally commits
4 the offense of animal neglect is guilty of a ~~simple~~ serious
5 misdemeanor. A person who intentionally commits the offense of
6 animal neglect which results in serious injury to or the death
7 of an animal is guilty of ~~a serious~~ an aggravated misdemeanor.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 BILL'S PROVISIONS — INCREASE IN CRIMINAL PENALTY FOR ANIMAL
12 NEGLECT. This bill increases the criminal penalty for the
13 offense classified as animal neglect. The general penalty
14 applying to an act committed negligently or intentionally is
15 increased from a simple misdemeanor to a serious misdemeanor.
16 The enhanced penalty applying when an animal is seriously
17 injured or dies is increased from a serious misdemeanor to an
18 aggravated misdemeanor.

19 CRIMINAL PENALTIES. A simple misdemeanor is punishable by
20 confinement for no more than 30 days or a fine of at least
21 \$65 but not more than \$625 or by both. A serious misdemeanor
22 is punishable by confinement for no more than one year and a
23 fine of at least \$315 but not more than \$1,875. An aggravated
24 misdemeanor is punishable by confinement for no more than two
25 years and a fine of at least \$625 but not more than \$6,250.

26 BACKGROUND. The bill amends Code chapter 717B which
27 provides for offenses relating to the mistreatment of animals
28 other than livestock which is governed under Code chapter 717;
29 any game, fur-bearing animal, fish, reptile, or amphibian not
30 owned, confined, or controlled by a person; or any nongame
31 species declared to be a nuisance (Code section 717B.1). Code
32 section 717B.3 specifically provides for the offense of animal
33 neglect. A person commits the offense by failing to supply the
34 animal during confinement with a sufficient quantity of food or
35 water; failing to provide a confined dog or cat with adequate

LSB 5447XS (3) 85

-1-

da/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2020

1 shelter; or torturing, depriving of necessary sustenance,
2 mutilating, beating, or killing an animal by any means which
3 causes unjustified pain, distress, or suffering. The law does
4 not apply to a research facility, provided that the research
5 facility performs functions within the scope of accepted
6 practices and disciplines (Code section 162.2).



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate File 2021 - Introduced

SENATE FILE 2021
BY McCOY

A BILL FOR

1 An Act relating to the criminal offense of animal torture and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5448XS (3) 85
da/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2021

1 Section 1. Section 717B.3A, subsection 3, paragraph a, Code
2 2014, is amended to read as follows:

3 a. ~~The following shall apply to a person who commits animal~~
4 ~~torture:~~

5 ~~(1) For the first conviction, the person is guilty of an~~
6 ~~aggravated misdemeanor. The sentencing order shall provide~~
7 ~~that the person submit to psychological evaluation and~~
8 ~~treatment according to terms required by the court. The costs~~
9 ~~of the evaluation and treatment shall be paid by the person.~~
10 ~~In addition, the sentencing order shall provide that the person~~
11 ~~complete a community work requirement, which may include a work~~
12 ~~requirement performed at an animal shelter or pound, as defined~~
13 ~~in section 162.2, according to terms required by the court.~~

14 ~~(2) For a second or subsequent conviction, the A person~~
15 ~~who commits animal torture is guilty of a class "D" felony.~~
16 The sentencing order shall provide that the person submit
17 to psychological evaluation and treatment according to
18 terms required by the court. The costs of the psychological
19 evaluation and treatment shall be paid by the person.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 BILL'S PROVISIONS — INCREASE IN CRIMINAL PENALTY FOR ANIMAL
24 TORTURE. This bill increases the criminal penalty for the
25 offense of animal torture from an aggravated misdemeanor to a
26 class "D" felony beginning with the first offense. It also
27 eliminates a requirement that a first-time offender complete a
28 community work requirement which may be performed at an animal
29 shelter.

30 CRIMINAL PENALTIES. An aggravated misdemeanor is punishable
31 by confinement for no more than two years and a fine of at
32 least \$625 but not more than \$6,250. A class "D" felony is
33 punishable by confinement for no more than five years and a
34 fine of at least \$750 but not more than \$7,500.

35 BACKGROUND. The bill amends Code chapter 717B which

LSB 5448XS (3) 85

-1-

da/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2021

1 provides for offenses relating to the mistreatment of animals
2 other than livestock, any game, fur-bearing animal, fish,
3 reptile, or amphibian not owned, confined, or controlled by a
4 person, or any nongame species declared to be a nuisance. Code
5 section 717B.3A provides for the offense of animal torture. A
6 person commits the offense by inflicting severe physical pain
7 with a depraved or sadistic intent to cause prolonged suffering
8 or death. The law provides for a number of exceptions,
9 including exceptions based on actions consistent with animal
10 husbandry practices; veterinary practice; hunting, trapping, or
11 fishing; self-defense or protection of property; or research.
12 The severity of the criminal penalty depends on whether it is
13 a first or subsequent offense. For the first offense, the
14 person is guilty of an aggravated misdemeanor. In addition,
15 the person must complete a community work requirement. For a
16 second or subsequent offense, a person is guilty of a class
17 "D" felony. However, there is no community work requirement.
18 In both instances, the sentencing order must provide that
19 the person submit to psychological evaluation and treatment.
20 The law also provides that the juvenile court has exclusive
21 original jurisdiction in a proceeding concerning a child work
22 requirement. The juvenile court cannot waive jurisdiction in a
23 proceeding concerning an offense alleged to have been committed
24 by a child under the age of 17.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate File 2022 - Introduced

SENATE FILE 2022
BY ZAUN

A BILL FOR

1 An Act relating to instruction of students with reading
2 disabilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5092XS (3) 85
je/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2022

1 Section 1. Section 256.7, Code 2014, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 33. Adopt rules incorporating the
4 definition of dyslexia adopted by the international dyslexia
5 association as of January 1, 2013, into the department's rules
6 relating to special education.

7 NEW SUBSECTION. 34. *a.* Develop professional development
8 instruction relating to reading disabilities for school
9 personnel to be provided by the department. The professional
10 development instruction shall be designed to account for the
11 various manners in which different school district personnel
12 interact with, or develop instructional programs for, students
13 with reading disabilities. The professional development
14 instruction shall cover screening, intervention, accommodation,
15 and use of technology for students with reading disabilities.
16 The department may collaborate with area education agencies and
17 other public or private entities to develop and provide the
18 professional development instruction. A school district or
19 teacher shall not be charged for the cost of the professional
20 development instruction.

21 *b.* The department shall require as part of each school
22 district's district professional development plan pursuant
23 to section 284.6 that the individual teacher professional
24 development plan of each teacher for grades kindergarten
25 through three, reading teacher, special education teacher,
26 English as a second language teacher, reading specialist,
27 special education consultant, and speech-language pathologist
28 employed by the district include two hours of professional
29 development instruction provided pursuant to this subsection on
30 an annual basis. The department shall make the professional
31 development instruction available to other school personnel
32 upon request.

33 Sec. 2. Section 272.2, Code 2014, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 19. Adopt rules establishing criteria, and

LSB 5092XS (3) 85

-1-

je/sc

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2022

1 issuance and renewal requirements, for a reading disability
2 instruction endorsement. Training requirements for the
3 endorsement shall be specific to the needs of students with
4 reading disabilities. In the development of the rules, the
5 board shall review knowledge and practice standards published
6 by the international dyslexia association and criteria and
7 requirements developed by other states for certification of
8 individuals who work with students with dyslexia.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill requires the state board of education to adopt
13 rules incorporating the definition of dyslexia adopted by the
14 international dyslexia association as of January 1, 2013, into
15 the department's rules relating to special education.

16 The bill requires the board to develop professional
17 development instruction relating to reading disabilities
18 for school personnel to be provided by the state department
19 of education. The bill specifies that the instruction must
20 be designed to account for the various manners in which
21 different school district personnel interact with, or develop
22 instructional programs for, students with reading disabilities.
23 The bill specifies that the instruction must cover screening,
24 intervention, accommodation, and use of technology for students
25 with reading disabilities. The bill permits the department to
26 collaborate with area education agencies and other public or
27 private entities to develop and provide the instruction. The
28 bill prohibits charging a school district or teacher for the
29 cost of the instruction.

30 The bill provides that the department must require as part
31 of each school district's district professional development
32 plan pursuant to Code section 284.6 that the individual teacher
33 professional development plan of each teacher for grades
34 kindergarten through 3, reading teacher, special education
35 teacher, English as a second language teacher, reading

LSB 5092XS (3) 85

-2-

je/sc

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2022

1 specialist, special education consultant, and speech-language
2 pathologist employed by the district include two hours of
3 professional development instruction provided pursuant to the
4 bill on an annual basis. The bill requires the department to
5 make the professional development instruction available to
6 other school personnel upon request.

7 The bill also requires the board of educational examiners
8 to adopt rules establishing criteria, and issuance and
9 renewal requirements, for a reading disability instruction
10 endorsement. The bill specifies that training requirements
11 for the endorsement must be specific to the needs of students
12 with reading disabilities. The bill requires the board,
13 when developing the rules, to review knowledge and practice
14 standards published by the international dyslexia association
15 and criteria and requirements developed by other states for
16 certification of individuals who work with students with
17 dyslexia.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate File 2023 - Introduced

SENATE FILE 2023
BY ZAUN

A BILL FOR

1 An Act relating to unfair motor vehicle repair practices in the
2 practice of insurance and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5130XS (5) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2023

1 Section 1. NEW SECTION. 507B.3A Unfair or deceptive motor
2 vehicle repair practices.

3 1. An adjuster, appraiser, insurance producer, insurer,
4 or employee of an insurer shall not do any of the following
5 in regard to the repair of property damage to a motor vehicle
6 covered by a motor vehicle insurance policy:

7 a. Recommend the use of a specific repair facility or source
8 for the repair of property damage to or replacement of parts on
9 a motor vehicle without informing the claimant or insured that
10 the claimant or insured is not required to use the recommended
11 repair facility or source.

12 b. Require that an appraisal of damage to or repair of a
13 motor vehicle be made in a specific repair facility.

14 c. Require that a claimant or insured use a specific
15 contractor or repair facility for a repair service or repair
16 product.

17 d. Require a repair facility to use a specific vendor
18 or process for the procurement of parts or other materials
19 necessary for the repair of a motor vehicle.

20 e. Intimidate, coerce, or threaten a claimant or insured
21 to use a specific contractor or repair facility for a repair
22 service or repair product.

23 2. An adjuster or appraiser shall not accept a gratuity
24 or other form of remuneration from a repair facility for
25 recommending that repair facility to a claimant or insured.

26 3. An insurer that issues or delivers a policy of motor
27 vehicle liability insurance in this state that provides
28 coverage for the repair of property damage to an insured motor
29 vehicle shall do all of the following:

30 a. Authorize repairs to be made to the insured motor
31 vehicle using genuine crash parts sufficient to maintain the
32 manufacturer's warranty for fit, finish, structural integrity,
33 corrosion resistance, dent resistance, and crash performance.

34 b. Shall not require repairs to be made to the insured motor
35 vehicle using aftermarket crash parts.

LSB 5130XS (5) 85

-1-

av/nh

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2023

1 4. Notwithstanding subsection 3, an insured may consent in
2 writing at the time of repair of the insured motor vehicle to
3 the use of aftermarket crash parts.

4 5. This section applies to repairs made to an insured motor
5 vehicle during the five-year period after the date of the
6 vehicle's manufacture.

7 6. A violation of this section is an unfair or deceptive act
8 or practice in the business of insurance as provided in section
9 507B.4, subsection 3.

10 7. As used in this section:

11 a. "Adjuster" or "appraiser" means a person that is employed
12 by an insurer as, solicits business as, or represents to an
13 insured that the person is an adjuster or appraiser of claims
14 for loss or damage covered by a motor vehicle insurance policy.

15 b. "Aftermarket crash parts" means crash parts that are all
16 of the following:

17 (1) Manufactured by a person other than the original
18 manufacturer of the motor vehicle to be repaired.

19 (2) For which the original manufacturer of the motor vehicle
20 has not authorized the use of its name or trademark by the
21 manufacturer of the crash parts.

22 c. "Crash parts" means exterior or interior sheet metal or
23 fiberglass panels and parts that form the superstructure or
24 body of a motor vehicle, including all of the following:

25 (1) Fenders.

26 (2) Bumpers.

27 (3) Door panels.

28 (4) Hoods.

29 (5) Grills.

30 (6) Wheel wells.

31 (7) Front and rear lamp display panels.

32 d. "Genuine crash parts" means crash parts that are all of
33 the following:

34 (1) Manufactured by or for the original manufacturer of the
35 motor vehicle to be repaired.

LSB 5130XS (5) 85

-2-

av/nh

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2023

1 (2) Authorized to carry the name or trademark of the
2 original manufacturer of the motor vehicle.

3 Sec. 2. Section 507B.6, subsection 1, Code 2014, is amended
4 to read as follows:

5 1. Whenever the commissioner believes that any person has
6 been engaged or is engaging in this state in any unfair method
7 of competition or any unfair or deceptive act or practice
8 whether or not defined in section 507B.3A, 507B.4, 507B.4A, or
9 507B.5 and that a proceeding by the commissioner in respect
10 to such method of competition or unfair or deceptive act or
11 practice would be in the public interest, the commissioner
12 shall issue and serve upon such person a statement of the
13 charges in that respect and a notice of a hearing on such
14 charges to be held at a time and place fixed in the notice,
15 which shall not be less than ten days after the date of the
16 service of such notice.

17 Sec. 3. Section 507B.12, unnumbered paragraph 1, Code 2014,
18 is amended to read as follows:

19 The commissioner may, after notice and hearing, promulgate
20 reasonable rules, as are necessary or proper to identify
21 specific methods of competition or acts or practices which are
22 prohibited by section 507B.3A, 507B.4, 507B.4A, or 507B.5,
23 but the rules shall not enlarge upon or extend the provisions
24 of such sections. Such rules shall be subject to review in
25 accordance with chapter 17A.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to certain unfair or deceptive motor
30 vehicle repair practices. The bill prohibits an adjuster,
31 appraiser, insurance producer, insurer, or employee of an
32 insurer from recommending the use of a specific repair facility
33 or source for the repair or replacement of property damage to a
34 motor vehicle without informing the claimant or insured that
35 use of the recommended facility or source is not required;

LSB 5130XS (5) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2023

1 requiring that an appraisal of damage or repair to a motor
2 vehicle be made in a specific repair facility; requiring
3 a repair facility to use a specific vendor or process for
4 procurement of parts or other materials necessary for the
5 repair; or intimidating, coercing, or threatening a claimant or
6 insured to use a specific contractor or repair facility.

7 An adjuster or appraiser is prohibited from accepting a
8 gratuity or other form of remuneration from a repair facility
9 for recommending that repair facility to a claimant or insured.

10 An insurer that issues or delivers a policy of motor vehicle
11 liability insurance in this state that provides coverage for
12 the repair of property damage to an insured motor vehicle
13 is required to authorize repairs using genuine crash parts
14 sufficient to maintain the manufacturer's warranty on the
15 vehicle and is prohibited from requiring that repairs be made
16 using aftermarket crash parts.

17 The bill applies to repairs made to an insured motor vehicle
18 during the five-year period after the date of the vehicle's
19 manufacture.

20 The bill defines who is an "adjuster" or "appraiser" for
21 purposes of the bill. The bill also defines "crash parts" as
22 those parts that form the superstructure or body of a motor
23 vehicle. "Genuine crash parts" are crash parts that are
24 manufactured by or for the original manufacturer of the insured
25 motor vehicle and are authorized to carry the name or trademark
26 of the vehicle's original manufacturer. "Aftermarket crash
27 parts" are manufactured by a person other than the original
28 manufacturer of the vehicle and are not authorized to use the
29 manufacturer's name or trademark.

30 A violation of the bill's provisions is an unfair or
31 deceptive act or practice in the business of insurance under
32 Code section 507B.4(3). The cease and desist orders and civil
33 penalties available under Code chapter 507B are applicable to
34 violations of the bill's provisions. Such civil penalties may
35 not exceed \$1,000 for each act, not exceeding an aggregate

LSB 5130XS (5) 85
av/nh

-4-

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2023

1 of \$10,000. For a knowing violation a civil penalty of not
2 more than \$5,000 for each act or violation, not exceeding an
3 aggregate of \$50,000 is possible.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate File 2024 - Introduced

SENATE FILE 2024
BY ZAUN

A BILL FOR

1 An Act relating to persons who are subject to motor vehicle
2 dealer licensing requirements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5033XS (6) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2024

1 Section 1. Section 321.1, subsection 17, Code 2014, is
2 amended to read as follows:

3 17. *“Dealer”* means every person engaged in the business
4 of buying, selling, or exchanging vehicles of a type required
5 to be registered ~~hereunder~~ under this chapter and who has
6 an established place of business for such purpose in this
7 state. *“Dealer”* includes those persons required to be licensed
8 as dealers under chapters 322 and 322C. *“Dealer”* does not
9 include a person who acts as a broker or consignee of motor
10 vehicles for sale at retail or a person who conducts an auction
11 for the sale of motor vehicles at retail if the person is
12 not otherwise engaged in the business of buying, selling, or
13 exchanging vehicles of a type required to be registered under
14 this chapter.

15 Sec. 2. Section 321.24, subsection 7, Code 2014, is amended
16 to read as follows:

17 7. The certificate shall contain the name of the county
18 treasurer or of the department and, if the certificate of
19 title is printed, the signature of the county treasurer, the
20 deputy county treasurer, or the department director or deputy
21 designee. The certificate of title shall contain upon the
22 reverse side a form for assignment of title or interest and
23 warranty by the owner, for reassignments by a dealer licensed
24 in this state or in another state if the state in which the
25 dealer is licensed permits Iowa licensed dealers to similarly
26 reassign certificates of title. However, titles for mobile
27 homes or manufactured homes shall not be reassigned by licensed
28 dealers. Notwithstanding section 321.1, subsection 17, as
29 used in this ~~paragraph~~ subsection, *“dealer”* means every person
30 engaged in the business of buying, selling, or exchanging
31 vehicles of a type required to be registered under this
32 chapter, other than a person who acts as a broker or consignee
33 of motor vehicles for sale at retail or a person who conducts
34 an auction for the sale of motor vehicles at retail if the
35 person is not otherwise engaged in the business of buying,

LSB 5033XS (6) 85
dea/nh

-1-

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2024

1 selling, or exchanging vehicles of a type required to be
2 registered under this chapter.

3 Sec. 3. Section 321.45, subsection 3, Code 2014, is amended
4 to read as follows:

5 3. Upon the transfer of any registered vehicle, the owner,
6 except as otherwise provided in this chapter, shall endorse an
7 assignment and warranty of title upon the certificate of title
8 for such vehicle with a statement of all liens and encumbrances
9 thereon, and the owner shall deliver the certificate of title
10 to the purchaser or transferee at the time of delivering the
11 vehicle except as otherwise provided in this chapter. The
12 owner shall indicate to the transferee the name of the county
13 in which the vehicle was last registered and the registration
14 expiration date. If a motor vehicle is sold at retail through
15 a person, other than a licensed dealer, who is a broker,
16 consignee, or person conducting an auction, the owner of
17 the motor vehicle or the owner's designee shall deliver the
18 certificate of title, duly assigned by the owner, to the
19 purchaser or transferee at conclusion of the sale.

20 Sec. 4. Section 322.2, subsection 7, Code 2014, is amended
21 to read as follows:

22 7. a. "Engaged in the business" means doing any of the
23 following acts for the purpose of the sale of motor vehicles at
24 retail: acquiring, selling, exchanging, holding, offering, or
25 displaying, brokering, accepting on consignment, conducting a
26 retail auction, or acting as an agent for the purpose of doing
27 any of those acts. A Except as provided in paragraph "b", a
28 person selling at retail more than six twelve motor vehicles
29 during a twelve-month period may be presumed to be engaged in
30 the business.

31 b. "Engaged in the business" does not include acting as
32 a broker in the sale of motor vehicles at retail, offering
33 motor vehicles for sale at retail on a consignment basis, or
34 conducting an auction for the sale of motor vehicles at retail.

35

EXPLANATION

LSB 5033XS (6) 85
dea/nh

-2-

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2024

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 Under current law, a motor vehicle dealer who accepts a
4 vehicle for resale is not required to obtain a new certificate
5 of title for the vehicle, but the dealer is required to execute
6 and acknowledge an assignment and warranty of title upon the
7 certificate of title and deliver it to the subsequent purchaser
8 of the vehicle. This process, known as "reassignment", is
9 required in all retail sales transactions involving a motor
10 vehicle dealer. Any person who sells more than six motor
11 vehicles during a 12-month period is considered to be engaged
12 in the business of selling motor vehicles at retail and
13 is subject to dealer licensing requirements and provisions
14 relating to the transfer of ownership of motor vehicles sold
15 at retail.

16 This bill amends the definition of "engaged in the business"
17 in Code chapter 322 to allow a person to sell up to 12 motor
18 vehicles in a 12-month period without a dealer's license.
19 The definition is further amended to exclude brokering,
20 accepting on consignment, or conducting an auction for the sale
21 of motor vehicles at retail, thereby exempting persons who
22 engage exclusively in those activities from dealer licensing
23 requirements. In addition, the bill amends definitions of
24 "dealer" in Code chapter 321 to exclude brokers and consignees
25 of motor vehicles for sale at retail and persons who conduct
26 retail motor vehicle auctions if such persons are not otherwise
27 engaged in the business of buying, selling, or exchanging
28 vehicles of a type required to be registered. Under the bill,
29 such agents would not be required to accept assignment of a
30 certificate of title for a vehicle to be offered for sale at
31 retail. The bill specifies that the owner or the owner's
32 designee shall deliver the certificate of title, duly assigned,
33 to the purchaser or transferee at conclusion of such a sale.

34 Because of the changes to the definitions of "dealer" and
35 "engaged in the business", certain other provisions that apply

LSB 5033XS (6) 85
dea/nh

-3-

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2024

1 to licensed motor vehicle dealers under Code chapter 321 would
2 not apply to brokers, consignees, persons who conduct retail
3 auctions, and persons who sell up to 12 motor vehicles in a
4 12-month period, including but not limited to requirements for
5 damage disclosure statement recordkeeping, odometer statements,
6 and "in-transit" permits.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate File 2025 - Introduced

SENATE FILE 2025
BY SINCLAIR

A BILL FOR

1 An Act relating to the opening of certain adoption records.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5571XS (4) 85
pf/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. 2025

1 Section 1. Section 600.16A, subsection 4, Code 2014, is
2 amended to read as follows:

3 4. An adopted person whose adoption became final prior to
4 July 4, 1941, and whose adoption record was not required to
5 be sealed at the time when the adoption record was completed,
6 shall not be required to show good cause may file an affidavit
7 for an order opening the adoption record under this subsection,
8 provided that the juvenile court or court shall consider any
9 affidavit filed under this subsection section, without being
10 required to show good cause, if the adoption became final at
11 least forty years prior to the filing of the affidavit.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill amends a provision regarding the opening of
16 adoption records. The current provision allows that if an
17 adopted person's adoption became final prior to July 4, 1941,
18 and the adoption record was not required to be sealed at the
19 time when the adoption record was completed, the person is not
20 required to show good cause for an order opening the adoption
21 record provided the juvenile court or court considers any
22 affidavit filed regarding the opening of the adoption record.
23 The bill instead provides that an adopted person may file an
24 affidavit for an order opening the adoption record, without
25 being required to show good cause, if the adoption became final
26 at least forty years prior to the filing of the affidavit.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate Resolution 101 - Introduced

SENATE RESOLUTION NO. 101

BY RAGAN, ANDERSON, BEALL, BEHN, BERTRAND, BLACK,
BOETTGER, BOLKCOM, BOWMAN, BRASE, BREITBACH,
CHAPMAN, CHELGREN, COURTNEY, DANIELSON, DEARDEN,
DIX, DOTZLER, DVORSKY, ERNST, FEENSTRA, GARRETT,
GREINER, GRONSTAL, GUTH, HART, HATCH, HOGG,
HORN, HOUSER, JOCHUM, JOHNSON, KAPUCIAN, MATHIS,
McCOY, PETERSEN, QUIRMBACH, ROZENBOOM, SCHNEIDER,
SCHOENJAHN, SEGEBART, SENG, SINCLAIR, SMITH,
SODDERS, TAYLOR, WHITVER, WILHELM, ZAUN, and
ZUMBACH

1 A Resolution urging the United States government to
2 renew its commitment to farmers, lower fuel prices,
3 and the environment by supporting a robust and
4 sustainable renewable fuel standard.
5 WHEREAS, in accordance with the federal policy
6 including the Energy Policy Act of 2005, Pub. L. No.
7 109-58, the United States government has demonstrated
8 its commitment to the long-term policy of increasing
9 the production of clean renewable fuels according
10 to a renewable fuel standard (RFS), by enabling the
11 increased domestic production and use of renewable
12 fuels, which include renewable biofuels such as
13 ethanol, biodiesel, and cellulosic and advanced
14 biofuels; and
15 WHEREAS, the RFS provides the foundation for
16 reducing this nation's dependence on foreign sources
17 of oil, reducing the price of transportation fuels,
18 reducing transportation fuel emissions, increasing
19 rural incomes, encouraging the development and



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.R. 101

1 expansion of new advanced biofuels, and consequently
2 promoting economic growth; and

3 WHEREAS, the RFS assists in bringing new
4 technologies to farmers and consumers, and points the
5 country in the direction of energy independence; and

6 WHEREAS, international turmoil has repeatedly caused
7 increased oil spikes and increased transportation costs
8 for consumers, including increased costs attributable
9 to the transportation of food and other goods; and

10 WHEREAS, biofuels reduce greenhouse gas
11 emissions; and

12 WHEREAS, Iowa's biofuels industry has added over \$8
13 billion to Iowa's economy and generated \$2 billion in
14 new household income; and

15 WHEREAS, approximately 90,000 Iowa farmers support
16 their families and reinvigorate rural communities
17 through innovative and high-tech agricultural
18 production; and

19 WHEREAS, the United States Environmental Protection
20 Agency (EPA) is responsible for establishing and
21 implementing the RFS, including the requirement that
22 certain volumes of various types of biofuels be blended
23 in transportation fuels each year; and

24 WHEREAS, the EPA recently proposed reducing the
25 volume levels of ethanol and biodiesel in the RFS, in
26 direct conflict with the statute; and

27 WHEREAS, the EPA's proposal is estimated to cause
28 the loss of 37,400 ethanol-related jobs and the loss of
29 7,500 biodiesel-related jobs; and

30 WHEREAS, the EPA's proposal will cause a reduction

LSB 5619SS (2) 85

-2-

da/rj

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.R. 101

1 in the price of corn below the cost of production with
2 a negative economic impact on midwest farm families,
3 agribusinesses, and rural communities; and
4 WHEREAS, the EPA's proposal will cause a substantial
5 reduction in the long-term investment in biofuels
6 infrastructure and a reduction in investments in
7 further energy innovation for ethanol, biodiesel,
8 advanced biofuels, and cellulosic biofuels; NOW
9 THEREFORE,

10 BE IT RESOLVED BY THE SENATE, That the United States
11 government is urged to renew its commitment to farmers,
12 lower fuel prices, and the environment by supporting a
13 robust and sustainable RFS and use all efforts to meet
14 the highest possible renewable fuel volume requirements
15 set forth in the current RFS in order to ensure that
16 this nation diversifies its energy portfolio; and

17 BE IT FURTHER RESOLVED, That copies of this
18 resolution be delivered to the Honorable Barack Obama,
19 President of the United States, to the Honorable
20 Gina McCarthy, Administrator of the United States
21 Environmental Protection Agency, to the Honorable Tom
22 Vilsack, Secretary of Agriculture of the United States,
23 and to each member of Iowa's congressional delegation.

LSB 5619SS (2) 85

-3-

da/rj

3/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate Study Bill 3013 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

A BILL FOR

1 An Act concerning licensure requirements for dietetics as
2 established or approved by the academy of nutrition and
3 dietetics.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5310XD (5) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 Section 1. Section 152A.2, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. An applicant shall be issued a license to practice
4 dietetics by the board when the applicant satisfies all of the
5 following:

6 a. Possesses a baccalaureate degree or postbaccalaureate
7 degree with a major course of study in human nutrition, food
8 and nutrition, dietetics, or food systems management, or
9 in an equivalent major course of study which meets minimum
10 academic requirements as established by the ~~American dietetic~~
11 ~~association~~ accreditation council for education in nutrition
12 and dietetics of the academy of nutrition and dietetics and
13 approved by the board.

14 b. Completes an ~~internship or preplanned professional~~
15 ~~experience program~~ accredited competency-based supervised
16 experience program approved by the ~~American dietetic~~
17 ~~association~~ accreditation council for education in nutrition
18 and dietetics of the academy of nutrition and dietetics and
19 approved by the board.

20 c. Satisfactorily completes an the commission on dietetic
21 registration of the academy of nutrition and dietetics
22 examination designed approved by the board.

23 Sec. 2. Section 152A.3, subsection 2, Code 2014, is amended
24 to read as follows:

25 2. Dietetics students who engage in clinical practice under
26 the supervision of a dietitian as part of a dietetic education
27 program ~~approved or accredited by the American dietetic~~
28 ~~association~~ or a competency-based supervised experience
29 program approved by the accreditation council for education
30 in nutrition and dietetics of the academy of nutrition and
31 dietetics.

32 Sec. 3. Section 152A.3, subsection 4, paragraph b, Code
33 2014, is amended to read as follows:

34 b. Conducting a teaching clinical demonstration in
35 connection with a program of basic clinical education, graduate

LSB 5310XD (5) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 education, or postgraduate education which is sponsored by
2 a dietetic education program or ~~accredited by the American~~
3 ~~dietetic association and carried out in an educational~~
4 ~~institution or its affiliated clinical facility or health~~
5 ~~care agency, or before a group of licensed dietitians a~~
6 competency-based supervised experience program approved by the
7 accreditation council for education in nutrition and dietetics
8 of the academy of nutrition and dietetics.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to licensure requirements for dietetics.
13 The bill changes references from the American dietetic
14 association to the academy of nutrition and dietetics to
15 reflect the association's name change. The bill also specifies
16 that the accreditation council for education in nutrition
17 and dietetics is the credentialing agency within the academy
18 of nutrition and dietetics. Further, the bill states that
19 a dietitian, to obtain licensure in Iowa, must complete an
20 examination approved by both the academy of nutrition and
21 dietetics and the board of dietetics rather than just the
22 board. The bill allows an exemption from licensure for
23 dietetic students engaged in a competency-based supervised
24 experience program approved by the academy of nutrition
25 and dietetics and for dietitians conducting a teaching
26 demonstration in connection with clinical education sponsored
27 by a competency-based supervised experience program, rather
28 than just a dietetic education program.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate Study Bill 3014 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

A BILL FOR

1 An Act relating to programs and services under the purview of
2 the department of public health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5305XD (4) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 DIVISION I
2 TRAINING ON BLOOD-BORNE PATHOGENS
3 Section 1. Section 135.11, subsections 20 and 21, Code 2014,
4 are amended to read as follows:
5 20. Adopt rules which require personnel of a licensed
6 hospice, of a homemaker-home health aide provider agency which
7 receives state homemaker-home health aide funds, or of an
8 agency which provides respite care services and receives funds
9 to complete ~~a minimum of two hours of~~ training concerning
10 ~~acquired immune deficiency syndrome-related conditions through~~
11 ~~a program approved by the department. The rules shall require~~
12 ~~that new employees complete the training within six months of~~
13 ~~initial employment and existing employees complete the training~~
14 ~~on or before January 1, 1989~~ blood-borne pathogens, including
15 human immunodeficiency virus and viral hepatitis, consistent
16 with standards from the federal occupational safety and health
17 administration.
18 21. Adopt rules which require all emergency medical
19 services personnel, firefighters, and law enforcement personnel
20 to complete ~~a minimum of two hours of~~ training concerning
21 ~~acquired immune deficiency syndrome-related conditions and~~
22 ~~the prevention of~~ blood-borne pathogens, including human
23 immunodeficiency virus infection and viral hepatitis,
24 consistent with standards from the federal occupational safety
25 and health administration.

26 DIVISION II
27 HEALTH CARE WORKFORCE SUPPORT INITIATIVE
28 Sec. 2. Section 135.175, subsection 1, paragraph a, Code
29 2014, is amended to read as follows:
30 a. A health care workforce support initiative is established
31 to provide for the coordination and support of various efforts
32 to address the health care workforce shortage in this state.
33 This initiative shall include the medical residency training
34 state matching grants program created in section 135.176,
35 ~~the nurse residency state matching grants program created in~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 ~~section 135.178, the health care professional and Iowa needs~~
2 ~~nurses now initiative created in sections 261.128 and 261.129,~~
3 ~~the safety net provider recruitment and retention initiatives~~
4 ~~program created in section 135.153A, and~~ health care workforce
5 shortage national initiatives, ~~and the physician assistant~~
6 ~~mental health fellowship program created in section 135.177.~~

7 Sec. 3. Section 135.175, subsection 5, paragraphs b, c, e,
8 f, and g, Code 2014, are amended by striking the paragraphs.

9 Sec. 4. Section 135.175, subsection 6, paragraphs a and c,
10 Code 2014, are amended to read as follows:

11 a. Moneys in the fund and the accounts in the fund shall
12 only be appropriated in a manner consistent with the principles
13 specified and the strategic plan developed pursuant to sections
14 135.163 and 135.164 to support the medical residency training
15 state matching grants program, ~~the nurse residency state~~
16 ~~matching grants program, the health care professional incentive~~
17 ~~payment program, the Iowa needs nurses now initiative, the~~
18 ~~safety net recruitment and retention initiatives program, for~~
19 national health care workforce shortage initiatives, ~~for the~~
20 ~~physician assistant mental health fellowship program, for the~~
21 ~~purposes of the Iowa needs nurses now infrastructure account,~~
22 and to provide funding for state health care workforce shortage
23 programs as provided in this section.

24 c. State appropriations to the fund shall be allocated in
25 equal amounts to each of the accounts within the fund, unless
26 otherwise specified in the appropriation or allocation. Any
27 federal funding received for the purposes of addressing state
28 health care workforce shortages shall be deposited in the
29 health care workforce shortage national initiatives account,
30 unless otherwise specified by the source of the funds, and
31 shall be used as required by the source of the funds. If
32 use of the federal funding is not designated, ~~twenty-five~~
33 ~~percent of such funding shall be deposited in the safety net~~
34 ~~provider network workforce shortage account to be used for the~~
35 ~~purposes of the account and the remainder of the funds shall~~

LSB 5305XD (4) 85

-2-

ad/nh

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 be used in accordance with the strategic plan developed by the
2 department of public health in accordance with sections 135.163
3 and 135.164, or to address workforce shortages as otherwise
4 designated by the department of public health. Other sources
5 of funding shall be deposited in the fund or account and used
6 as specified by the source of the funding.

7 Sec. 5. Section 135.175, subsection 9, Code 2014, is amended
8 by striking the subsection.

9 Sec. 6. Section 135.176, subsection 3, Code 2014, is amended
10 by striking the subsection.

11 DIVISION III

12 SALON LICENSES AND INSPECTIONS

13 Sec. 7. Section 157.11, Code 2014, is amended to read as
14 follows:

15 **157.11 Salon licenses.**

16 1. A salon shall not operate unless the owner has obtained
17 a license issued by the department. The owner shall apply
18 to the department on forms prescribed by the board. The
19 department ~~shall~~ may perform a sanitary inspection of each
20 salon biennially and may perform a sanitary inspection of a
21 salon prior to the issuance of a license. An inspection of a
22 salon ~~shall~~ may also be conducted upon receipt of a complaint
23 by the department.

24 2. The application shall be accompanied by the biennial
25 license fee determined pursuant to section 147.80. The license
26 is valid for two years and may be renewed.

27 3. A licensed school of cosmetology arts and sciences at
28 which students practice cosmetology arts and sciences is exempt
29 from licensing as a salon.

30 DIVISION IV

31 MORTUARY SCIENCE INSPECTIONS

32 Sec. 8. Section 156.10, Code 2014, is amended to read as
33 follows:

34 **156.10 Inspection.**

35 1. The director of public health ~~shall~~ may inspect all

LSB 5305XD (4) 85

ad/nh

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 places where dead human bodies are prepared or held for burial,
2 entombment, or cremation, and ~~shall~~ may adopt and enforce
3 such rules and regulations in connection with the inspection
4 as ~~shall~~ may be necessary for the preservation of the public
5 health.

6 2. The Iowa department of public health ~~shall~~ may assess an
7 inspection fee for an inspection of a place where dead human
8 bodies are prepared for burial or cremation. The fee ~~shall~~ may
9 be determined by the department by rule.

10 DIVISION V

11 BARBERSHOP LICENSES AND INSPECTIONS

12 Sec. 9. Section 158.9, Code 2014, is amended to read as
13 follows:

14 **158.9 Barbershop licenses.**

15 1. A barbershop shall not operate unless the owner has
16 obtained a license issued by the department. The owner shall
17 apply to the department on forms prescribed by the board. The
18 department ~~shall~~ may perform a sanitary inspection of each
19 barbershop biennially and may perform a sanitary inspection of
20 a barbershop prior to the issuance of a license. An inspection
21 of a barbershop ~~shall~~ may also be conducted upon receipt of a
22 complaint by the department.

23 2. The application shall be accompanied by the biennial
24 license fee determined pursuant to section 147.80. The license
25 is valid for two years and may be renewed.

26 3. A licensed barber school at which students practice
27 barbering is exempt from licensing as a barbershop.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to programs and services of the department
32 of public health (DPH).

33 Division I, regarding training concerning blood-borne
34 pathogens, requires DPH to adopt rules to require personnel of
35 a licensed hospice, personnel of a homemaker-home health aide

LSB 5305XD (4) 85

-4-

ad/nh

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 provider agency, personnel of an agency requiring respite care
2 services, emergency medical services personnel, firefighters,
3 and law enforcement personnel to complete training concerning
4 blood-borne pathogens consistent with federal occupational
5 safety and health administration (OSHA) standards rather than
6 completing the two hours of training concerning acquired-immune
7 deficiency syndrome-related conditions that is currently
8 required.

9 Division II relates to the health care workforce support
10 initiative codified in Code section 135.175. This initiative
11 includes many initiatives and programs and the health care
12 workforce shortage fund has separate accounts for each of
13 these initiatives and programs. The initiative, the workforce
14 shortage fund, and all the accounts and programs within the
15 initiative are set to repeal on June 30, 2014.

16 The bill, which eliminates the repeal of the health care
17 workforce support initiative and health care workforce
18 shortage fund, effectively allows the repeal of most of the
19 programs including the nurse residency state matching grants
20 program, the health care professional and Iowa needs nurses now
21 initiative, the safety net provider recruitment and retention
22 initiatives program, and the physician assistant mental health
23 fellowship program and the related accounts. However, the
24 bill retains the medical residency training state matching
25 grants program, the health care workforce shortage national
26 initiatives, and the related accounts.

27 Divisions III through V, concerning salon licenses and
28 inspections, mortuary science inspections, and barbershop
29 licenses and inspections, respectively, eliminate mandatory
30 inspections in these establishments and instead institute
31 permissive inspections.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate Study Bill 3015 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
REVENUE BILL)

A BILL FOR

1 An Act relating to taxation by updating the Code references
2 to the Internal Revenue Code, providing for the repeal of
3 the generation skipping transfer tax and Iowa estate tax,
4 and including effective date and retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5297XD (12) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 DIVISION I
2 INTERNAL REVENUE CODE REFERENCES
3 Section 1. Section 15.335, subsection 7, paragraph b, Code
4 2014, is amended to read as follows:
5 *b.* For purposes of this section, "*Internal Revenue Code*"
6 means the Internal Revenue Code in effect on January 1, 2013,
7 ~~and as amended by the American Taxpayer Relief Act of 2012,~~
8 ~~Pub. L. No. 112-240~~ 2014.
9 Sec. 2. Section 422.3, subsection 5, Code 2014, is amended
10 to read as follows:
11 5. "*Internal Revenue Code*" means the Internal Revenue Code
12 of 1954, prior to the date of its redesignation as the Internal
13 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
14 the Internal Revenue Code of 1986 as amended to and including
15 January 1, 2013, ~~and as amended by the American Taxpayer Relief~~
16 ~~Act of 2012, Pub. L. No. 112-240~~ 2014.
17 Sec. 3. Section 422.10, subsection 3, paragraph b, Code
18 2014, is amended to read as follows:
19 *b.* For purposes of this section, "*Internal Revenue Code*"
20 means the Internal Revenue Code in effect on January 1, 2013,
21 ~~and as amended by the American Taxpayer Relief Act of 2012,~~
22 ~~Pub. L. No. 112-240~~ 2014.
23 Sec. 4. Section 422.32, subsection 1, paragraph g, Code
24 2014, is amended to read as follows:
25 *g.* "*Internal Revenue Code*" means the Internal Revenue Code
26 of 1954, prior to the date of its redesignation as the Internal
27 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
28 the Internal Revenue Code of 1986 as amended to and including
29 January 1, 2013, ~~and as amended by the American Taxpayer Relief~~
30 ~~Act of 2012, Pub. L. No. 112-240~~ 2014.
31 Sec. 5. Section 422.33, subsection 5, paragraph e,
32 subparagraph (2), Code 2014, is amended to read as follows:
33 (2) For purposes of this subsection, "*Internal Revenue Code*"
34 means the Internal Revenue Code in effect on January 1, 2013,
35 ~~and as amended by the American Taxpayer Relief Act of 2012,~~



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 ~~Pub. L. No. 112-240~~ 2014.

2 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
3 Act, being deemed of immediate importance, takes effect upon
4 enactment.

5 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
6 Act applies retroactively to January 1, 2013, for tax years
7 beginning on or after that date.

8 DIVISION II

9 REPEAL OF GENERATION SKIPPING TRANSFER TAX AND IOWA ESTATE TAX

10 Sec. 8. Section 12.71, subsection 8, Code 2014, is amended
11 to read as follows:

12 8. Bonds issued under the provisions of this section are
13 declared to be issued for a general public and governmental
14 purpose and all bonds issued under this section shall be exempt
15 from taxation by the state of Iowa and the interest on the
16 bonds shall be exempt from the state income tax and the state
17 inheritance ~~and estate~~ tax.

18 Sec. 9. Section 12.80, subsection 3, Code 2014, is amended
19 to read as follows:

20 3. Bonds issued under this section are declared to be issued
21 for an essential public and governmental purpose and all bonds
22 issued under this section shall be exempt from taxation by the
23 state of Iowa and the interest on the bonds shall be exempt
24 from the state income tax and the state inheritance ~~and estate~~
25 tax.

26 Sec. 10. Section 12.81, subsection 8, Code 2014, is amended
27 to read as follows:

28 8. Bonds issued under the provisions of this section are
29 declared to be issued for a general public and governmental
30 purpose and all bonds issued under this section shall be exempt
31 from taxation by the state of Iowa and the interest on the
32 bonds shall be exempt from the state income tax and the state
33 inheritance ~~and estate~~ tax.

34 Sec. 11. Section 12.87, subsection 8, Code 2014, is amended
35 to read as follows:

LSB 5297XD (12) 85

-2-

mm/sc

2/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 8. Any bonds issued and sold under the provisions of this
2 section are declared to be issued and sold for an essential
3 public and governmental purpose, and all bonds issued and sold
4 under this section except as otherwise provided in any trust
5 indentures, resolutions, or other instruments authorizing their
6 issuance shall be exempt from taxation by the state of Iowa and
7 the interest on the bonds shall be exempt from the state income
8 tax and the state inheritance ~~and-estate~~ tax.

9 Sec. 12. Section 12.91, subsection 9, Code 2014, is amended
10 to read as follows:

11 9. Bonds issued under the provisions of this section are
12 declared to be issued for a general public and governmental
13 purpose and all bonds issued under this section shall be exempt
14 from taxation by the state of Iowa and the interest on the
15 bonds shall be exempt from the state income tax and the state
16 inheritance ~~and-estate~~ tax.

17 Sec. 13. Section 16.177, subsection 8, Code 2014, is amended
18 to read as follows:

19 8. Bonds issued under this section are declared to be issued
20 for an essential public and governmental purpose and all bonds
21 issued under this section shall be exempt from taxation by the
22 state of Iowa and the interest on the bonds shall be exempt
23 from the state income tax and the state inheritance ~~and-estate~~
24 tax.

25 Sec. 14. Section 321.47, subsection 2, Code 2014, is amended
26 to read as follows:

27 2. The persons entitled under the laws of descent and
28 distribution of an intestate's property to the possession
29 and ownership of a vehicle owned in whole or in part by a
30 decedent, upon filing an affidavit stating the name and date of
31 death of the decedent, the right to possession and ownership
32 of the persons filing the affidavit, and that there has been
33 no administration of the decedent's estate, which instrument
34 shall also contain an agreement to indemnify creditors of
35 the decedent who would be entitled to levy execution upon

LSB 5297XD (12) 85

-3-

mm/sc

3/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 the motor vehicle to the extent of the value of the motor
2 vehicle, are entitled upon fulfilling the other requirements of
3 this chapter, to the issuance of a registration card for the
4 interest of the decedent in the vehicle and a certificate of
5 title to it. If a decedent dies testate, and either the will is
6 not probated or is admitted to probate without administration,
7 the persons entitled to the possession and ownership of a
8 vehicle owned in whole or in part by the decedent may file
9 an affidavit and, upon fulfilling the other requirements of
10 this chapter, are entitled to the issuance of a registration
11 card for the interest of the decedent in the vehicle and a
12 certificate of title to the vehicle. The affidavit shall
13 contain the same information and indemnity agreement as is
14 required in cases of intestacy pursuant to this section. A
15 requirement of chapter 450 ~~or 451~~ shall not be considered
16 satisfied by the filing of the affidavit provided for in this
17 section. If, from the records in the office of the county
18 treasurer, there appear to be any liens on the vehicle, the
19 certificate of title shall contain a statement of the liens
20 unless the application is accompanied by proper evidence of
21 their satisfaction or extinction. Evidence of extinction
22 may consist of, but is not limited to, an affidavit of the
23 applicant stating that a security interest was foreclosed as
24 provided in chapter 554, article 9, part 6. The department
25 shall waive the certificate of title fee and surcharge required
26 under sections 321.20, 321.20A, 321.23, 321.46, 321.52, and
27 321.52A if the person entitled to possession and ownership of
28 a vehicle, as provided in this subsection, is the surviving
29 spouse of a decedent.

30 Sec. 15. Section 421.60, subsection 2, paragraph c,
31 subparagraph (1), Code 2014, is amended to read as follows:

32 (1) If the notice of assessment or denial of a claim for
33 refund relates to a tax return filed pursuant to section 422.14
34 or chapter 450, ~~450A, or 451~~, by the taxpayer which designates
35 an individual as an authorized representative of the taxpayer



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 with respect to that return, or if a power of attorney has been
2 filed with the department by the taxpayer which designates an
3 individual as an authorized representative of the taxpayer with
4 respect to any tax that is included in the notice of assessment
5 or denial of a claim for refund, a copy of the notice together
6 with any additional information required to be sent to the
7 taxpayer shall be sent to the authorized representative as
8 well.

9 Sec. 16. Section 450.7, subsection 2, unnumbered paragraph
10 1, Code 2014, is amended to read as follows:

11 Notice of the lien is not required to be recorded. The
12 rights of the state under the lien have priority over all
13 subsequent mortgages, purchases, or judgment creditors; and a
14 conveyance after the decedent's death of the property subject
15 to a lien does not discharge the property except as otherwise
16 provided in this chapter. However, if additional tax is
17 determined to be owing under this chapter ~~or chapter 451~~ after
18 the lien has been released under paragraph "a" or "b", the lien
19 does not have priority over subsequent mortgages, purchases,
20 or judgment creditors unless notice of the lien is recorded in
21 the office of the recorder of the county where the estate is
22 probated, or where the property is located if the estate has
23 not been administered. The department of revenue may release
24 the lien by filing in the office of the clerk of the court in
25 the county where the property is located, the decedent owner
26 died, or the estate is pending or was administered, one of the
27 following:

28 Sec. 17. Section 450.68, subsection 1, paragraph b, Code
29 2014, is amended to read as follows:

30 b. Federal tax returns, copies of returns, return
31 information as defined in section 6103(b) of the Internal
32 Revenue Code, and state inheritance tax returns, which are
33 required to be filed with the department for the enforcement
34 of the inheritance ~~and estate~~ tax laws of this state, shall be
35 deemed and held as confidential by the department. However,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 such returns or return information may be disclosed by the
2 director to officers or employees of other state agencies,
3 subject to the same confidentiality restrictions imposed on the
4 officers and employees of the department.

5 Sec. 18. Section 455G.6, subsection 14, Code 2014, is
6 amended to read as follows:

7 14. Bonds issued under the provisions of this section are
8 declared to be issued for an essential public and governmental
9 purpose and all bonds issued under this subchapter shall be
10 exempt from taxation by the state of Iowa and the interest on
11 the bonds shall be exempt from the state income tax and the
12 state inheritance ~~and estate~~ tax.

13 Sec. 19. Section 463C.12, subsection 8, Code 2014, is
14 amended to read as follows:

15 8. Tax-exempt bonds issued by the authority in connection
16 with the program, which are exempt from taxation for federal
17 tax purposes, are also exempt from taxation by the state of
18 Iowa and the interest on these bonds is exempt from state
19 income taxes and state inheritance ~~and estate~~ taxes.

20 Sec. 20. Section 524.1406, subsection 3, paragraph a, Code
21 2014, is amended to read as follows:

22 a. Notwithstanding any contrary provision in chapter
23 490, division XIII, in determining the fair value of the
24 shareholder's shares of a bank organized under this chapter
25 or a bank holding company as defined in section 524.1801 in a
26 transaction or event in which the shareholder is entitled to
27 appraisal rights, due consideration shall be given to valuation
28 factors recognized for federal ~~and state~~ estate tax purposes,
29 including discounts for minority interests and discounts
30 for lack of marketability. However, any payment made to
31 shareholders under section 490.1324 shall be in an amount not
32 less than the stockholders' equity in the bank disclosed in its
33 last statement of condition filed under section 524.220 or the
34 total equity capital of the bank holding company disclosed in
35 the most recent report filed by the bank holding company with



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 the board of governors of the federal reserve system, divided
2 by the number of shares outstanding.

3 Sec. 21. Section 633.3, subsections 4 and 8, Code 2014, are
4 amended to read as follows:

5 4. *Charges* — includes costs of administration, funeral
6 expenses, cost of monument, and federal ~~and state~~ estate taxes.

7 8. *Costs of administration* — includes court costs,
8 fiduciary's fees, attorney fees, all appraisers' fees, premiums
9 on corporate surety bonds, statutory allowance for support
10 of surviving spouse and children, cost of continuation of
11 abstracts of title, recording fees, transfer fees, transfer
12 taxes, agents' fees allowed by order of court, interest
13 expense, including but not limited to interest payable on
14 extension of federal ~~and state~~ estate tax, and all other fees
15 and expenses allowed by order of court in connection with
16 the administration of the estate. Court costs shall include
17 expenses of selling property.

18 Sec. 22. Section 633.436, subsection 1, unnumbered
19 paragraph 1, Code 2014, is amended to read as follows:

20 Except as provided in sections 633.211 and 633.212, shares
21 of the distributees shall abate, for the payment of debts and
22 charges, federal ~~and state~~ estate taxes, legacies, the shares
23 of children born or adopted after the making of a will, or the
24 share of the surviving spouse who elects to take against the
25 will, without any preference or priority as between real and
26 personal property, in the following order:

27 Sec. 23. Section 633.449, Code 2014, is amended to read as
28 follows:

29 **633.449 Payment of federal estate taxes.**

30 All federal estate taxes, distinguished from state
31 inheritance ~~and estate~~ taxes, owing by the estate of a decedent
32 shall be paid from the property of the estate, unless the will
33 of the decedent, or other trust instrument, provides expressly
34 to the contrary.

35 Sec. 24. Section 633A.4703, unnumbered paragraph 1, Code



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 2014, is amended to read as follows:

2 Except as otherwise provided by the governing instrument,
3 where necessary to abate shares of the beneficiaries of a trust
4 for the payment of debts and charges, federal ~~and state~~ estate
5 taxes, bequests, the share of the surviving spouse who takes
6 an elective share, and the shares of children born or adopted
7 after the execution of the trust, abatement shall occur in the
8 following order:

9 Sec. 25. REPEAL. Chapters 450A and 451, Code 2014, are
10 repealed.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill updates the Iowa Code references to the Internal
15 Revenue Code to make federal income tax revisions enacted by
16 Congress in 2013 applicable for Iowa income tax purposes, and
17 repeals the generation skipping transfer tax and the Iowa
18 estate tax.

19 DIVISION I — INTERNAL REVENUE CODE REFERENCES. The
20 division amends Code sections 422.3 and 422.32, general
21 definition sections in the chapter of the Code that governs
22 corporate and individual income tax and the franchise tax
23 on financial institutions, to update the references to the
24 Internal Revenue Code.

25 The division amends Code sections 15.335, 422.10, and 422.33
26 to update the references to the Internal Revenue Code for the
27 state research activities credit for individuals, corporations,
28 and corporations in economic development areas to include the
29 federal changes to the research activities credit and the
30 alternative simplified research activities credit.

31 Division I takes effect upon enactment and applies
32 retroactively to January 1, 2013, for tax years beginning on
33 or after that date.

34 DIVISION II — REPEAL OF GENERATION SKIPPING TRANSFER TAX
35 AND IOWA ESTATE TAX. The division repeals the generation

LSB 5297XD (12) 85

-8-

mm/sc

8/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 skipping transfer tax and Iowa estate tax. Iowa once had an
2 estate tax equal to the federal estate tax credit for state
3 inheritance and estate taxes paid. This type of tax was
4 referred to as a "pick-up tax" because it levied an amount
5 of tax equal to the credit against federal estate taxes,
6 thereby allowing the state to collect estate tax revenue
7 without increasing the total amount of tax due from the estate.
8 Similarly, Iowa has a generation skipping transfer tax based on
9 the same concept and equal to the federal generation skipping
10 transfer tax credit for state generation skipping transfer tax
11 paid.

12 In 2001, Congress enacted the Economic Growth and Tax Relief
13 Reconciliation Act which temporarily phased out these two
14 federal tax credits and replaced them with reduced federal
15 estate tax rates and an increased exemption level for estates.
16 These federal tax credits were fully phased out in 2005.
17 Therefore, Iowa has not collected any estate tax or generation
18 skipping transfer tax for estates of decedents dying, nor for
19 generation skipping transfers occurring, after December 31,
20 2004.

21 Iowa's estate tax was repealed in 2008 and then reenacted
22 in 2010, but its implementation was contingent on the
23 reimplementing of the federal tax credits. However, in
24 2013 Congress enacted the American Taxpayer Relief Act which
25 permanently eliminated the federal estate tax and generation
26 skipping transfer tax credits.

27 The division also makes conforming changes to remove
28 references in the Iowa Code to the Iowa estate tax and to Code
29 chapters 450A and 451.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate Study Bill 3016 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
REVENUE BILL)

A BILL FOR

1 An Act relating to the administration of the streamlined sales
2 tax agreement by the department of revenue.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5307XD (2) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 Section 1. Section 423.3, subsection 57, paragraph c, Code
2 2014, is amended to read as follows:

3 c. *"Dietary supplement"* means any product, other than
4 tobacco, intended to supplement the diet that meets all of the
5 following criteria:

6 (1) The product contains one or more of the following
7 dietary ingredients:

8 ~~(1)~~ (a) A vitamin.

9 ~~(2)~~ (b) A mineral.

10 ~~(3)~~ (c) An herb or other botanical.

11 ~~(4)~~ (d) An amino acid.

12 ~~(5)~~ (e) A dietary substance for use by humans to supplement
13 the diet by increasing the total dietary intake.

14 ~~(6)~~ (f) A concentrate, metabolite, constituent, extract,
15 or combination of any of the ingredients in ~~subparagraphs (1)~~
16 ~~through (5) that~~ subparagraph divisions (a) through (e).

17 (2) The product is intended for ingestion in tablet,
18 capsule, powder, softgel, gelcap, or liquid form, or if not
19 intended for ingestion in such a form, is not represented as
20 conventional food and is not represented for use as a sole item
21 of a meal or of the diet; ~~and.~~

22 (3) The product is required to be labeled as a dietary
23 supplement, identifiable by the "supplement facts" box found on
24 the label and as required pursuant to 21 C.F.R. § 101.36.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to the administration of the sales and use
29 taxes under the streamlined sales and use tax agreement.

30 Iowa is a member of the streamlined sales and use tax
31 agreement, which is an effort to administer state sales and
32 use taxes in all participating states according to the same
33 simplified system. Under the agreement, Iowa must periodically
34 make changes in the administration of the sales and use taxes
35 in order to remain in compliance.

LSB 5307XD (2) 85

-1-

mm/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 The bill amends the definition of "dietary supplement"
2 to conform the language of the definition to the definition
3 of "dietary supplement" in the streamlined sales and use tax
4 agreement.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate Study Bill 3017 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act concerning the employment of motor vehicle enforcement
2 officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5313DP (4) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 Section 1. Section 8A.412, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 25. Peace officers employed by the
4 department of transportation pursuant to section 321.477. The
5 director of the department of transportation shall adopt rules
6 not inconsistent with the objectives of this subchapter for the
7 persons described in this subsection.

8 Sec. 2. Section 10A.601, subsections 1 and 7, Code 2014, are
9 amended to read as follows:

10 1. A full-time employment appeal board is created within
11 the department of inspections and appeals to hear and decide
12 contested cases under section 321.477, chapter 8A, subchapter
13 IV, and chapters 80, 88, 91C, 96, and 97B.

14 7. An application for rehearing before the appeal board
15 shall be filed pursuant to section 17A.16, unless otherwise
16 provided in section 321.477, chapter 8A, subchapter IV, or
17 chapter 80, 88, 91C, 96, or 97B. A petition for judicial review
18 of a decision of the appeal board shall be filed pursuant to
19 section 17A.19. The appeal board may be represented in any
20 such judicial review by an attorney who is a regular salaried
21 employee of the appeal board or who has been designated
22 by the appeal board for that purpose, or at the appeal
23 board's request, by the attorney general. Notwithstanding
24 the petitioner's residency requirement in section 17A.19,
25 subsection 2, a petition for judicial review may be filed in
26 the district court of the county in which the petitioner was
27 last employed or resides, provided that if the petitioner
28 does not reside in this state, the action shall be brought in
29 the district court of Polk county, Iowa, and any other party
30 to the proceeding before the appeal board shall be named in
31 the petition. Notwithstanding the thirty-day requirement in
32 section 17A.19, subsection 6, the appeal board shall, within
33 sixty days after filing of the petition for judicial review or
34 within a longer period of time allowed by the court, transmit
35 to the reviewing court the original or a certified copy of

LSB 5313DP (4) 85

-1-

ec/nh

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 the entire records of a contested case. The appeal board may
2 also certify to the court, questions of law involved in any
3 decision by the appeal board. Petitions for judicial review
4 and the questions so certified shall be given precedence over
5 all other civil cases except cases arising under the workers'
6 compensation law of this state. No bond shall be required for
7 entering an appeal from any final order, judgment, or decree of
8 the district court to the supreme court.

9 Sec. 3. Section 321.477, Code 2014, is amended to read as
10 follows:

11 **321.477 Employees as peace officers — ~~maximum-age~~ terms of**
12 **employment — discipline.**

13 1. The department may designate by resolution certain of
14 its employees upon each of whom there is hereby conferred the
15 authority of a peace officer to control and direct traffic and
16 weigh vehicles, and to make arrests for violations of the motor
17 vehicle laws relating to the operating authority, registration,
18 size, weight, and load of motor vehicles and trailers and
19 registration of a motor carrier's interstate transportation
20 service with the department.

21 2. An applicant to be a peace officer in the department
22 pursuant to this section shall not be appointed as a peace
23 officer until the applicant has passed a satisfactory physical
24 and mental examination. In addition, the applicant must be
25 a citizen of the United States and be not less than eighteen
26 years of age. The mental examination shall be conducted
27 under the direction or supervision of the director and may
28 be oral or written or both. An applicant shall take an oath
29 on becoming a peace officer of the department, to uphold the
30 laws and Constitution of the United States and Constitution
31 of the State of Iowa. During the period of six months after
32 appointment, a peace officer of the department is subject
33 to dismissal at the will of the director. After the six
34 months' service, a peace officer of the department who was
35 appointed after having passed the examinations is not subject

LSB 5313DP (4) 85
ec/nh

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 to dismissal, suspension, disciplinary demotion, or other
2 disciplinary action resulting in the loss of pay unless charges
3 have been filed with the department of inspections and appeals
4 and a hearing held by the employment appeal board created by
5 section 10A.601, if requested by the peace officer, at which
6 the peace officer has an opportunity to present a defense
7 to the charges. The decision of the appeal board is final,
8 subject to the right of judicial review in accordance with the
9 terms of the Iowa administrative procedure Act, chapter 17A.
10 However, the procedures as to dismissal, suspension, demotion,
11 or other discipline do not apply to a peace officer who is
12 covered by a collective bargaining agreement which provides
13 otherwise, and do not apply to the demotion of an office or
14 bureau head to the rank which the office or bureau head held at
15 the time of appointment as office or bureau head, if any. An
16 office or bureau head who is demoted has the right to return
17 to the rank which the office or bureau head held at the time
18 of appointment as office or bureau head, if any. All rules,
19 except employment provisions negotiated pursuant to chapter 20,
20 regarding the enlistment, appointment, and employment affecting
21 peace officers of the department shall be established by the
22 director in consultation with the director of the department of
23 administrative services, subject to approval by the governor.
24 3. The maximum age for a person employed as a peace officer
25 pursuant to this section is sixty-five years of age.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill concerns motor vehicle enforcement officers
30 employed by and designated as peace officers by the department
31 of transportation.

32 Code section 8A.412, concerning the applicability of
33 the merit system to state employees, is amended to exclude
34 from the merit system motor vehicle enforcement officers
35 employed by and designated as peace officers by the department

LSB 5313DP (4) 85
ec/nh

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 of transportation. The bill requires the director of the
2 department of transportation to adopt rules not inconsistent
3 with the objectives of the merit system for these employees.

4 Code section 10A.601, concerning the employment appeal
5 board, is amended to specifically provide that the board
6 will hear contested case appeals concerning motor vehicle
7 enforcement officers.

8 Code section 321.477, which authorizes the department
9 to designate motor vehicle enforcement officers as peace
10 officers, is amended. The bill provides for the examination
11 of applicants to be motor vehicle enforcement officers, a
12 probation period for new officers, and requirements relative
13 to the discipline and dismissal of motor vehicle enforcement
14 officers. The provisions are similar to those applicable to
15 department of public safety officers and described in Code
16 section 80.15.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

Senate Study Bill 3018 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to the licensing of vehicle recyclers by
2 defining the term "scrapping".
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5318DP (3) 85
dea/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 15, 2014

S.F. _____ H.F. _____

1 Section 1. Section 321.1, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 70A. "*Scrapping*" means to dispose of
4 a vehicle subject to registration to an authorized vehicle
5 recycler, as defined in section 321H.2, or to destroy a vehicle
6 subject to registration.

7 Sec. 2. Section 321H.2, Code 2014, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 4A. "*Scrapping*" means to dispose of a
10 vehicle subject to registration to an authorized vehicle
11 recycler or to destroy a vehicle subject to registration.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 Under current law, an authorized vehicle recycler license is
16 required for a person to operate as a vehicle rebuilder, used
17 vehicle parts dealer, or vehicle salvager. The definition of
18 "vehicle salvager" includes persons engaged in the business of
19 scrapping wrecked or damaged vehicles. This bill defines the
20 term "scrapping" to mean either to dispose of a vehicle subject
21 to registration to an authorized vehicle recycler or to destroy
22 a vehicle subject to registration.